



**AGENDA**  
**STAYTON CITY COUNCIL**  
**Monday, February 3, 2020**  
Stayton Community Center  
400 W. Virginia Street  
Stayton, Oregon 97383

**CALL TO ORDER**

**7:00 PM**

**Mayor Porter**

**FLAG SALUTE**

**ANNOUNCEMENTS**

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

**APPOINTMENTS – None**

**PUBLIC COMMENTS**

*If you wish to address the Council, please fill out a "Request for Recognition" form on the table near the door. Speakers are limited to 3 minutes and must state their name and residence.*

**CONSENT AGENDA**

- a. January 21, 2020 City Council Minutes
- b. Memorandum of Understanding with Santiam Hospital

**PUBLIC HEARING – None**

**GENERAL BUSINESS**

**Railroad Letter of Support Presentation**

- a. Memo from Mayor Henry Porter
- b. Presentation by Kevin Mannix

**Award of Community Improvement Grants**

- a. Staff Report – Dan Fleishman
- b. Public Comment
- c. Council Deliberation
- d. Council Decision

**Budget to Actual 2019-20 Fiscal Year as of December 31, 2019**

- a. Staff Report – Susannah Sbragia
- b. Public Comment

**Resolution No. 999, Declaring Surplus Property**

- a. Staff Report – Dan Fleishman
- b. Public Comment
- c. Council Deliberation
- d. Council Decision

**Resolution No. 1000, Five-Year Local Option Tax for Partial Support of the Library, Pool, and Parks Programs**

- a. Staff Report – Keith Campbell
- b. Public Comment
- c. Council Deliberation
- d. Council Decision

**Stayton City Council Rules**

- a. Staff Report – Keith Campbell
- b. Public Comment
- c. Council Deliberation
- d. Council Decision

**COMMUNICATIONS FROM MAYOR AND COUNCILORS**

**COMMUNICATION FROM CITY STAFF**

**ADJOURN**

**FUTURE AGENDA ITEMS**

- a. Facilities Master Plan Presentation
- b. Resolution – Oregon Parks and Recreation Department Grant

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Administrative Services Manager Alissa Angelo at (503) 769-3425.*

# CALENDAR OF EVENTS

## **FEBRUARY 2020**

Monday	February 3	City Council	7:00 p.m.	Community Center (north end)
Tuesday	February 4	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	February 11	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	February 17	<b>CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS DAY HOLIDAY</b>		
Tuesday	February 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	February 19	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	February 24	Planning Commission	7:00 p.m.	Community Center (north end)

## **MARCH 2020**

Monday	March 2	City Council	7:00 p.m.	Community Center (north end)
Tuesday	March 3	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	March 10	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	March 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	March 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	March 30	Planning Commission	7:00 p.m.	Community Center (north end)

## **APRIL 2020**

Monday	April 6	City Council	7:00 p.m.	Community Center (north end)
Tuesday	April 7	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	April 14	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Wednesday	April 15	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	April 20	City Council	7:00 p.m.	Community Center (north end)
Monday	April 27	Planning Commission	7:00 p.m.	Community Center (north end)

## **MAY 2020**

Monday	May 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	May 5	Parks & Recreation Board	6:00 p.m.	E.G. Siegmund Meeting Room
Tuesday	May 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	May 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	May 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	May 25	Planning Commission	7:00 p.m.	Community Center (north end)

**City of Stayton  
City Council Minutes  
January 21, 2020**

**LOCATION:** STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

**Time Start:** 7:00 P.M.

**Time End:** 7:46 P.M.

**COUNCIL MEETING ATTENDANCE LOG**

<b>COUNCIL</b>	<b>STAYTON STAFF</b>
Mayor Henry Porter	Alissa Angelo, Administrative Services Manager
Councilor Paige Hook (joined at 7:02 p.m.)	Keith Campbell, City Manager
Councilor Ben McDonald	Dan Fleishman, Director of Planning & Development
Councilor Christopher Molin	David Frisendahl, Police Chief (excused)
Councilor Jordan Ohrt	Lance Ludwick, Public Works Director (excused)
Councilor David Patty	Janna Moser, Library Director (excused)
	Susannah Sbragia, Finance Director (excused)

<b>AGENDA</b>	<b>ACTIONS</b>
<b>REGULAR MEETING</b>	
<b>Announcements</b> a. Additions to the Agenda b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None. None.
<b>Appointments</b>	None.
<b>Public Comments</b> a. Bob Ledford  b. Russ Strohmeyer  c. Aaron Frichtl	Mr. Ledford introduced himself and shared he is a candidate for the Police Captain position.  Mr. Strohmeyer spoke about the homeless issue and why public comment at the end of the meeting was removed.  Mr. Frichtl provided an update on behalf of Revitalize Downtown Stayton.
<b>Consent Agenda</b> a. January 6, 2020 City Council Minutes	Motion from Councilor Patty, seconded by Councilor Ohrt, to approve the Consent Agenda as presented. <b>Motion passed 5:0.</b>
<b>Public Hearing</b> a. Commencement of Public Hearing and Opening Statement  b. Staff Summary	Mayor Porter opened the hearing at 7:11 p.m. and read the opening statement.  Mr. Fleishman reviewed the staff report.



c. Questions from the Council	Council questions regarding how the alley will be split and contact with property owners.
d. Persons in favor	None.
e. Persons opposed	None.
f. Other interested persons	None.
g. Questions from the Council	Nothing further.
h. Staff summary	Nothing further.
i. Close of hearing	Mayor Porter closed the hearing at 7:18 p.m.
j. Council deliberation	None.
k. Council decision on Ordinance No. 1041	<p>Motion from Councilor Hook, seconded by Councilor Molin, to approve the first consideration of Ordinance No. 1042 as presented.</p> <p><u>Council Discussion</u>: Brief discussion of Council history on this issue.</p> <p><b>Motion passed 5:0.</b></p> <p>Mayor Porter read the closing statement.</p>
<b>General Business</b>	None.
<b>Communications from Mayor and Councilors</b>	<p>Mayor Porter requested the Council's approval to sign a letter of support for the railroad. The Council requested more information prior to authorizing the Mayor to sign.</p> <p>Motion from Councilor Hook, seconded by Councilor Patty, to modify the Council Rules to add additional public comment after general business and change public hearing language from persons in favor to public comment in favor.</p> <p>Motion from Councilor Hook, seconded by Councilor Patty, to amend the motion to direct staff to bring the Council Rules back with recommended amendments for consideration.</p> <p><u>Council Discussion</u> – Further discussion on public comment and responding to comment.</p> <p><b>Amended motion passed 5:0.</b></p> <p><b>Motion passed 5:0.</b></p>

	Councilor Ohrt inquired about revisiting the Council goals. Mr. Campbell responded. She also spoke about the upcoming Brews, Bites, and Books event at the Library.
<b>Communication from City Staff</b>	Mr. Campbell provided an update on the City's Facilities Master Plan project.
<b>Future Agenda Items</b> <ul style="list-style-type: none"> <li>a. 2019/20 Fiscal Year Half-Year Update</li> <li>b. Surplus Properties Resolution</li> <li>c. Community Improvement Grants</li> <li>d. Library, Pool, and Parks Local Option Levy</li> </ul>	

APPROVED BY THE STAYTON CITY COUNCIL THIS 3<sup>RD</sup> DAY OF FEBRUARY 2020, BY A \_\_\_\_ VOTE OF THE STAYTON CITY COUNCIL.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Henry A. Porter, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Keith D. Campbell, City Manager

Date: \_\_\_\_\_

Transcribed by: \_\_\_\_\_  
Alissa Angelo, Administrative Services Manager



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO:** Mayor Henry A. Porter and the Stayton City Council

**FROM:** Mayor Henry A. Porter, via Keith Campbell, City Manager

**DATE:** February 3<sup>rd</sup>, 2020

**SUBJECT:** Consent Agenda - Memorandum of Understanding with Santiam Hospital

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**ISSUE**

Should the City Council authorized the Mayor to sign a proposed Memorandum of Understanding between Santiam Hospital and the City of Stayton?

**ENCLOSURE(S)**

Memorandum of Understanding proposal

**BACKGROUND INFORMATION**

Santiam Hospital has asked the City of Stayton to enter into a Memorandum of Understanding between the parties. Staff spoke with leadership from the Hospital to talk about the intent and purpose of the agreement. This agreement is a formality for the Hospital who is looking to provide Medicare services and to allow for a program that will allow for reductions in prescription drugs.

**FISCAL IMPACT**

There will be no fiscal impact or obligation to the City of Stayton.

**STAFF RECOMMENDATION**

Staff recommends the City Council authorize the Mayor to sign the Memorandum of Understanding.

**MOTION(S)**

Consent Agenda approval.

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**Santiam Hospital**  
**AND**  
**City of Stayton**

Santiam Hospital desires to participate in the drug discount program under Section 340B of the Public Health Services Act 42 U.S.C 256b (the "340B Program"). In order to participate in the 340B Program, Santiam Hospital must enter into an agreement with a unit of state or local government to provide healthcare services to low income individuals who are not entitled to Medicare or Medicaid benefits, at less than full reimbursement from these patients.

The following Memorandum of Understanding (MOU) between Santiam Hospital and the City of Stayton, Oregon attests to Santiam Hospital's commitment to provide health care to indigent, uninsured, and underinsured residents of Stayton, Oregon and surrounding areas.

Santiam Hospital hereby warrants to the City of Stayton that it will continue its commitment to the provision of health care, ensuring that all patients receive necessary care, as required by State and Federal law and mandated by its 401-C3 bylaws, regardless of the patient's ability to pay. Santiam Hospital will continue to maintain a Financial Assistance Policy that assists persons with financial need by waiving all or part of the charges for services provided through any Santiam Medical Clinic or Santiam Hospital.

The City of Stayton acknowledges that Santiam Hospital provides patient services to indigent, uninsured, and underinsured members of the community at less than full reimbursement from the patients.

The term of this MOU shall commence on January 1, 2020, and shall continue until terminated by either party upon not less than sixty (60) days prior written notice to the other party. The term of this MOU shall commence on January 15, 2020, and shall continue until terminated by either party upon not less than sixty (60) days prior written notice to the other party.

**Santiam Hospital**

**City of Stayton**

\_\_\_\_\_  
**Terry Fletchall, President & CEO**

\_\_\_\_\_  
**Henry Porter, Mayor**

**Date:**\_\_\_\_\_

**Date:**\_\_\_\_\_



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Stayton City Council**  
**FROM: Mayor Henry A. Porter**  
**DATE: February 3, 2020**  
**SUBJECT: Railroad Letter of Support Presentation**

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**BACKGROUND INFORMATION**

At the January 21, 2020 City Council meeting, the Council requested a representative from the group requesting the letter of support for the Railroad come to a future Council meeting. Kevin Mannix has been invited to provide a brief presentation.



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor Henry Porter and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: February 3, 2020**  
**SUBJECT: Award of Community Improvement Grants**

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**ISSUE**

The issue before the City Council is the award of Community Improvement Grants.

**BACKGROUND INFORMATION**

For the past several years the City Council has awarded grants to nonprofit organizations. Starting in 2019, the Neighborhood Improvement Grant program was initiated. This year's budget has combined the two programs and expanded the funds available to \$20,000.

In September, staff developed a concept of how the grant program was to be structured, grants awarded, and sought feedback from the City Council on the conceptual framework, objectives, and assessment criteria.

Applications received must be from either a tax-exempt non-profit organization or from a group of at least three individuals who have come together to promote a project in their neighborhood. If the application is from a neighborhood group, an individual must be designated as the lead applicant for dealing with City staff.

Projects may fall into two categories: support for programs and services that directly benefit Stayton residents or neighborhood improvement projects.

Improvement projects are ones that improve a public or shared space within a neighborhood or strengthen neighborhood identity. Examples include landscape improvements or maintenance, signage, or benches. Improvements projects may be on either public property such as planting street trees or improvements to a park, or private property such as coordinated improvements to front yards.

**ANALYSIS**

Applications were made available in October and due by the end of November. Seven applications were received, requesting a total amount of \$22,300. Three applications were from neighborhood groups in the Jefferson Place, Sylvan Springs, and Westtown neighborhoods. Four applications were from non-profit organizations: Santiam Heritage Foundation, Community Emergency Response Team (CERT), Revitalize Downtown Stayton, and the Stayton Community

Food Bank. The table below provides a summary of each grant listing the applicant, a brief description of the project, the grant request, in-kind donation, cash match and total budget for each.

#### Summary of Applications Received

Applicant	Description	Grant Request	In-kind	Cash Match	Total Budget
Santiam Heritage Foundation	Emergency lighting and exit signs in Brown House	\$2,000		\$400	<b>\$2,400</b>
CERT	Emergency response materials	\$4,000	\$1,500		<b>\$5,500</b>
Jefferson Place	Street tree maintenance	\$3,000	\$3,000		<b>\$6,000</b>
Revitalize Downtown Stayton	Historic plaques in downtown	\$2,000	\$1,500	\$300	<b>\$3,800</b>
Westtown	Wall repair	\$7,000			<b>\$7,000</b>
Sylvan Springs	Walking path improvements	\$3,300	\$500	\$1,500	<b>\$5,300</b>
Food Bank	Signage and landscaping	\$1,000	\$200		<b>\$1,200</b>

Copies of each application are included.

Staff developed scoring criteria based on a total score of 100 points. A range of points was assigned to each application based on the following four criteria:

#### **Realistic Budget**

To what extent does the budget presented by the application appear realistic to meet the objectives of the project? *Maximum score 20 points*

#### **Promotes Livability of a Neighborhood**

To what extent will the project improve a defined neighborhood within the City?  
*Maximum score 30 points*

#### **Benefit to Stayton Residents**

To what extent will the project provide a direct benefit to residents of the City or to what extent will the direct or indirect beneficiaries of the project be Stayton residents?  
*Maximum score 30 points*

#### **Project is not part of ordinary operations of Organization**

To what extent is the project new or an expansion of the group's usual activities?  
*Maximum score 20 points*

Each application was scored by four members of City staff. The combined scores are presented below:

Applicant	Total Points
Sylvan Springs	<b>360</b>
Westtown	<b>327</b>
Jefferson Place	<b>280</b>
Food Bank	<b>276</b>
Revitalize Downtown Stayton	<b>228</b>
CERT	<b>208</b>
Santiam Heritage Foundation	<b>181</b>

Following the individual scoring, it was noted the Santiam Heritage Foundation was not in compliance with their Bylaws. Staff unanimously agreed due to this, the organization should not be eligible for grant funds.

## RECOMMENDATION

The recommendation from staff is to provide the requested grant amount to the Sylvan Springs, Westown, and Jefferson Place neighborhoods, and to the Food Bank and Revitalize Downtown Stayton. Staff further recommends that the request from CERT be funded at the reduced level of \$3,700.

Since these grant awards are Stayton taxpayer funds, City staff will have oversight on each award to assure monies are allocated as prescribed.

## OPTIONS AND MOTIONS

1. Fund the applications as recommended by staff

*Move to award Community Improvement Grants as follows:*

Applicant	Amount
Sylvan Springs	\$3,300
Westown	\$7,000
Jefferson Place	\$3,000
Food Bank	\$1,000
Revitalize Downtown Stayton	\$2,000
CERT	\$3,700

2. Modify the funding from that recommended by staff

*Move to award Community Improvement Grants as modified...*

3. Do not fund any applications

*Move to not award any Community Improvement Grants.*





## Community Improvement Grant Application

The Community Improvement Grant Program is a financial assistance tool that funds projects and programs for non-profit organizations and neighborhood groups throughout Stayton. The program has been designed to forge partnerships to address neighborhood issues, and provide services to Stayton residents.

Sylvan Springs Walkingpath Corridor Improvements

Project Name

11/26/2019

Date Submitted

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### Contact Information

Please provide information for a primary and secondary contact for this project, as well as information about the organization or neighborhood association behind the project. **Two contacts are required for all applications.**

Rob Demchak

Primary Contact

2050 Summerview Drive

Street Address

boardvillagesylvansprings@gmail.com

Primary Contact Email

503-798-0944

Phone Number

Damian Centanni

Secondary Contact

866 Sunrise Drive

Street Address

boardvillagesylvansrings@gmail.com

Secondary Contact Email

503-767-3576

Phone Number

The Village at Sylvan Springs

Other neighbors part of group

Sylvan Springs

Geographic Location (ex: Westtown, Pioneer Meadows, etc)

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### Project Description

Please provide 1) A brief summary of the program or project to be completed; 2) The nature and makeup of your neighborhood and how many people will directly benefit from the program or project; 3) Who the program or project will benefit; and 4) What need, issue or goal the program or project will address. Be sure to describe how the project ties into the "Proposal Review Criteria" outlined on the first page. Include a separate document if necessary.

The Walking Path Corridor Improvement project plan is to smooth out the existing rough patches for safer strolling, bicycle riding, and walking for the children and senior members of the community. The volunteers will plant grass in the common area for pets and people to enjoy a scenic, green environment in one of Stayton's pristine nature preserves. In addition, garbage receptacles and additional solar lights will be installed along the path to promote cleanliness and safety. This project is designed to benefit all those from our city who want to use the path behind Sylvan Springs Neighborhood. Currently, the residents at the Elmcroft of Stayton Retirement Community, the children at Nana's Learning Academy, visitors of Santiam Park, and the 134 residents of the Sylvan Springs neighborhoods who will access and utilize the path.

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## Project Budget

Grant Amount Requested

Cash Match

In-Kind Donation

*(Please attach a Budget Worksheet to describe cash matches and in-kind donations.)*

Total Budget

Who will be responsible for managing the financial accounts and record-keeping required to receive grant payments?

Rob Demchak, HOA President  
Name

2050 Summerview Drive  
Street Address

thevillageatsylvanspringshoa@gmail.com  
Email

503-798-0944  
Phone Number

Have you applied, or do you intend to apply for other City grants for this proposed project or program? ☐ Yes ☒ No

If yes, which grant programs? \_\_\_\_\_

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## Scope of Work

Proposed Start Date

Proposed Completion Date

*Please describe how the program or project will be carried out. Include a proposed timeline and information about individuals who will be organizing and accomplishing the work. **Reminder.** Community Improvement Grant money comes from the FY19-20 City budget. Money becomes available after July 1, 2019 and must be disbursed and spent before June 30, 2020.*

The Village at Sylvan Springs neighborhood association (HOA) will organize a volunteer work day for the neighborhood residents. The work day will be coordinated in the early Spring of 2020, with an estimated completion date of early Summer 2020. The first phase of the project will include removal of weeds, overhanging branches, and any additional debris starting at the west end of the path by the Santiam Park. Grass seed will be planted at the east end of the "Y" intersection of the path in the large common area behind the bench. A garbage receptacle will be installed at the "Y" intersection for the public to use to deposit waste. Additional solar lights will be installed on the path for safety where extra lighting is needed. The second phase, expected to begin mid-Spring, will include work by Newman Paving & Curbing. The intent is to tear out and replace the asphalt that has buckled from tree roots causing an existing safety hazard.

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Received  
City of Stayton

NOV 26 2019

Planning / Public Works  
311 N Third Ave, Stayton, OR 97383

## Community Improvement Grant Application

The Community Improvement Grant Program is a financial assistance tool that funds projects and programs for non-profit organizations and neighborhood groups throughout Stayton. The program has been designed to forge partnerships to address neighborhood issues, and provide services to Stayton residents.

Westown Wall Reconstruction  
Project Name

11/26/19  
Date Submitted

### Contact Information

Please provide information for a primary and secondary contact for this project, as well as information about the organization or neighborhood association behind the project. **Two contacts are required for all applications.**

Ellery Heer 1247 Western Ave, Stayton 97383  
Primary Contact Street Address

Ellery7@msn.com 253 334 7091  
Primary Contact Email Phone Number

Fritzi Heer 1247 Western Ave Stayton  
Secondary Contact Street Address

fritzi.25@msn.com 253 334 8698  
Secondary Contact Email Phone Number

Herminia Arriel owner of adjacent property to wall  
Other neighbors part of group Geographic Location (ex: Westown, Pioneer Meadows, etc)

### Project Description

Please provide 1) A brief summary of the program or project to be completed; 2) The nature and makeup of your neighborhood and how many people will directly benefit from the program or project; 3) Who the program or project will benefit; and 4) What need, issue or goal the program or project will address. Be sure to describe how the project ties into the "Proposal Review Criteria" outlined on the first page. Include a separate document if necessary.

The proposed project to be completed is to rebuild the failing North Entrance wall of Westown Development. The completed project will benefit all Westown homeowners, guests entering the development, surrounding neighborhoods of the development and all drivers and pedestrians using Gardner Ave. It would also benefit the school bus route and those who attend the LDS Church on Western Ave.

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## Project Budget

Grant Amount Requested \$ 7,000

Cash Match \$

In-Kind Donation \$

(Please attach a Budget Worksheet to describe cash matches and in-kind donations.)

Total Budget \$ 8,000

Who will be responsible for managing the financial accounts and record-keeping required to receive grant payments?

Ellery Heer  
Name

1247 Western Ave  
Street Address

Ellery7@msn.com  
Email

253 334 7091  
Phone Number

Have you applied, or do you intend to apply for other City grants for this proposed project or program? ☐ Yes ☒ No

If yes, which grant programs? \_\_\_\_\_

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## Scope of Work

Proposed Start Date March 2020

Proposed Completion Date May 2020

Please describe how the program or project will be carried out. Include a proposed timeline and information about individuals who will be organizing and accomplishing the work. **Reminder.** Community Improvement Grant money comes from the FY19-20 City budget. Money becomes available after July 1, 2019 and must be disbursed and spent before June 30, 2020.

This project will be completed by a licensed contractor, we are currently working with Dennis Wellbrock from OREGON ~~Brick~~ Homes. Roger Roberts from Builders mart has also expressed interest in contributing.

The contract will include the demolition and reconstruction of the North Entrance wall to westward off N. Gardner Ave. It will match as close to possible, the opposite entrance brick which was rebuilt approximately 8-10 years ago. This improvement will also include painting both North and South Entrance wall structures. I, Ellery Heer, will be coordinating with any contractors for this project and will complete the project by May 30, 2020.



## Community Improvement Grant Application

The Community Improvement Grant Program is a financial assistance tool that funds projects and programs for non-profit organizations and neighborhood groups throughout Stayton. The program has been designed to forge partnerships to address neighborhood issues, and provide services to Stayton residents.

JEFFERSON PLACE / EAST SANTIAM ST. STREET TREE PROJECT

Project Name

11/22/19

Date Submitted

### Contact Information

Please provide information for a primary and secondary contact for this project, as well as information about the organization or neighborhood association behind the project. **Two contacts are required for all applications.**

RICHARD S. VOHS

Primary Contact

998 COOPER COURT STAYTON OR. 97383

Street Address

RSVPMV@MSN.COM

Primary Contact Email

503 769-3286

Phone Number

DANNY GARCIA

Secondary Contact

975 COOPER COURT STAYTON OR. 97383

Street Address

503 302-5363

Secondary Contact Email

Phone Number

LAVON MASKELL, DUSTIN HEMPHILL, DAVID PATTY

Other neighbors part of group

Geographic Location (ex: Westtown, Pioneer Meadows, etc)

JEFFERSON PLACE

### Project Description

Please provide 1) A brief summary of the program or project to be completed; 2) The nature and makeup of your neighborhood and how many people will directly benefit from the program or project; 3) Who the program or project will benefit; and 4) What need, issue or goal the program or project will address. Be sure to describe how the project ties into the "Proposal Review Criteria" outlined on the first page. Include a separate document if necessary.

PLEASE SEE ATTACHED DOCUMENTS



## Project Budget

Grant Amount Requested	\$ 3000
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Cash Match	\$
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In-Kind Donation	\$ 3000
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(Please attach a Budget Worksheet to describe cash matches and in-kind donations.)

Total Budget \$ 6000

Who will be responsible for managing the financial accounts and record-keeping required to receive grant payments?

Name RICHARD S. Vols Street Address 998 LAPEL COURT STAYTON, OR 97323

msvpmv@msn.com 503 769-3284

Email Phone Number

Have you applied, or do you intend to apply for other City grants for this proposed project or program? ☐ Yes ☒ No

If yes, which grant programs? \_\_\_\_\_

## Scope of Work

Proposed Start Date 12/01/2019

Proposed Completion Date 01/15/2020

Please describe how the program or project will be carried out. Include a proposed timeline and information about individuals who will be organizing and accomplishing the work. **Reminder.** Community Improvement Grant money comes from the FY19-20 City budget. Money becomes available after July 1, 2019 and must be disbursed and spent before June 30, 2020.

PLEASE SEE ATTACHED DOCUMENTS

# Project Description

## Background Information

Jefferson Place is a 23 lot subdivision that was developed in 2007 by the Picullell Group, Portland Oregon. The subdivision boundaries are East Jefferson Street on the south, Highland Dr. on the west and East Santiam St. on the North (SEE ATTACHMENT #1). To date all lots in the Jefferson Place subdivision have completed homes and are owner occupied. The City of Stayton and the Picullell Group participated in developing the operating guidelines for Jefferson Place. The Picullell Group recorded a document entitled Declaration of Jefferson Place Protective Covenants, Conditions and Restrictions (CC&Rs) in Marion County, Oregon on the PLAT recorded in Reception No. H46-11\*Reel 2782 page 227. Picullell Group desires to declare of public record their intention to create certain protective covenants, conditions and restrictions (CC&Rs) in order to effectuate a general scheme of development on each Subdivision Lot (the "Lot") creating benefits and obligations for the owners of said property. Further this document states "NOW, THEREFORE, Declarant (Picullell Group) hereby declares that all of the Property described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose the value and desirability of the real property which shall run with the land and shall inure to the benefits of each owner thereof. These easements and CC&Rs shall be binding on all parties having any right, title or interest in the described Property or any parts the of, their heirs, successors and assigns."

This document noted above is recorded on each owner's deed. The document also establishes an Architectural Control Committee which was appointed by the Picullell Group and has defined duties to govern Jefferson Place with guidance from the recorded CC&Rs.

## The Project

Listed in the CC&Rs of Jefferson Place is a requirement on page 7 which states "that trees planted along the north boundary of the subdivision be retained and protected". (SEE ATTACHMENT #2). Also note ATTACHMENT #3 which sates Landscaping and Fence requirements for Lots 4,5,12,13,18,19 and 21. As noted on ATTACHMENT #3 there are 20 street trees planted between the sidewalk and East Santiam Street. NOTE: Seller shall be installing along the North property line the above 6' black vinyl-coated chain link fence and arborvitae screening 3 to 4 feet on center. Purchaser understands and agrees shall be responsible for maintenance of landscaping and irrigation of the planter strip with the street right of way. (SEE ATTACHMENT #3)

COMMENT: Maintaining this landscape has been challenging and a substantial burden on the responsible lot owners. The only access to the landscape is as follows due to the 6' fence and arborvitae; Highland Dr.; fence opening on Cooper Court; and the fence opening on Brody

Court. There is no irrigation to service the landscape. Lot property Owners have done their best to maintain the landscape. None of the street trees have been maintained for the past 12 with the exception of leaf removal. Please see PHOTOS attached.

#### 1. Brief Summary of the Project

It is proposed that a professional tree service be retained to prune, trim and shape the 20 trees in the landscape to provide an attractive uniform entrance to the City of Stayton along East Santiam Street.

#### 2. The nature and makeup of your neighborhood and how many people will directly benefit from the project.

All of the property owners in Jefferson Place, especially the homeowners on Lots 4,5,12,13,18,19 and 21 will directly benefit. The City of Stayton and the hundreds of motorists entering Stayton everyday will benefit by having a beautiful and uniform entrance at the NE gateway to the city.

#### 3. Who the project will benefit

Residents of Jefferson Place and the citizens of the City of Stayton

#### 4. What need, issue or goal will be project address?

This project will provide a neighborhood improvement to Jefferson Place residents and improve the NE gateway to the City. This project will provide the means to mitigate a difficult maintenance problem for the neighborhood.

#### Project Budget

COMMENT: Matching IN-KIND donation will be provided by Lot Owner of Lots 4,5,12,13,18,19, and 21 through the on-going maintenance of the landscape by mowing and removal of leaves from the 20 street trees located East Santiam Street.

#### Scope of Work

Proposed Start Date 12/01/2019

Proposed Completion Date 1/15/2020

The project will be carried out by the Architectural Control Committee of Jefferson Place. The Chairman of the Committee will provide leadership for the project by writing the Community Improvement Grant and submitting it to the City of Stayton. In addition, the Chairman will seek bids from professional tree services and present bids to the Committee who will select the contractor to carry out the project by no later than 1/15/2020. Photos will be submitted to the City of Stayton after the work has been completed.





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## Project Budget

Grant Amount Requested

Cash Match

In-Kind Donation

*(Please attach a Budget Worksheet to describe cash matches and in-kind donations.)*

Total Budget

Who will be responsible for managing the financial accounts and record-keeping required to receive grant payments?

Robin Seber

565 NE Hilltop Way, Sublimity OR 97385

Name

Street Address

nanny3b3g@wvi.com

(503)767-3521

Email

Phone Number

Have you applied, or do you intend to apply for other City grants for this proposed project or program? ☐ Yes ☒ No

If yes, which grant programs? \_\_\_\_\_

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## Scope of Work

Proposed Start Date

Proposed Completion Date

*Please describe how the program or project will be carried out. Include a proposed timeline and information about individuals who will be organizing and accomplishing the work. **Reminder.** Community Improvement Grant money comes from the FY19-20 City budget. Money becomes available after July 1, 2019 and must be disbursed and spent before June 30, 2020.*

\_\_\_\_\_

The proposed time line anticipates grant applications considered by the City Council in January, with funds available in February.

Once grant funds are awarded, Durelle Hudson, Ann Kehler, and Sheila Baker will coordinate the signage and planter purchases.

\_\_\_\_\_

Durelle Hudson is the SCFB President; Ann Kehler is the Vice-President and food bank manager; and Sheila Baker is the Secretary.

\_\_\_\_\_

The initial pricing for the signs was received from 1Day Signs in Salem, but other companies will be contacted to establish final

specifications and costs, and ensure the signs meet the City of Stayton's requirements. Similarly, Terra Gardens Nursery in Salem gave

cost estimates on stone planter pots in their inventory, but other sources will be considered based on cost and availability. Yarnell's Nursery

in Stayton has volunteered to donate the plants needed for the project. Other volunteers will complete signs and planter placement as needed.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Project Description

*Please provide 1) A brief summary of the program or project to be completed; 2) The nature and makeup of your neighborhood and how many people will directly benefit from the program or project; 3) Who the program or project will benefit; and 4) What need, issue or goal the program or project will address. Be sure to describe how the project ties into the "Proposal Review Criteria" outlined on the first page. Include a separate document if necessary*

The Stayton Community Food Bank is a 501(c)(3) nonprofit organization which provides emergency food assistance to low-income families and individuals in Stayton and neighboring communities. It is an all-volunteer organization which works as a partner with the U.S. Department of Agriculture, Oregon Food Bank, and Marion-Polk Food Share to distribute food under the guidelines of the federal Emergency Food Assistance Program (TEFAP). The food bank has been active for 37 years, supported by ongoing donations of money, food, and volunteer time from local churches, schools, businesses, civic organizations and numerous individuals in the community.

The food bank moved to a new location at 1210 Wilco Road, Stayton in November 2019. The proposed project will address two needs related to the new site: 1) signage, and 2) landscape improvement. The grant request anticipates a large, permanent sign for the front face of the building, a moveable sandwich board sign for the front entrance, and another sign to direct donors and deliveries to the back door of the building. This will improve both the food bank's visibility and its functionality for clients, volunteers and donors. The landscape improvement part of the project will add large stone planters to the front entrance of the building to make it less "industrial" looking and more welcoming. Yarnell's Nursery in Stayton has agreed to donate the plants to fill the planters.

The immediate neighborhood affected is the Wilco Road area, which is an industrial area with a great amount of public traffic. The food bank is leasing its building, which had been vacant for some years, so sprucing up the property exterior even a little will create a positive visual impact for that area. The broader benefit will be to the families who come to the food bank from all over Stayton and neighboring communities. In the 2018-19 fiscal year, the food bank served an average of 370 households (1,355 people) a month. From July through October 2019, the food bank has served an average of 395 households (1,454 people) each month. Stayton residents make up the bulk of the food bank's clients.

The food bank believes this project falls under the program categories targeted for the grant program, and satisfies the proposal review criteria by meeting the food bank's organizational needs and neighborhood needs; benefiting many Stayton residents; and demonstrating support from volunteers and in-kind contributions.

## **Budget Worksheet**

### **Signage - \$735 grant request**

1 3'x5' polymetal building sign (\$280)

1 2'x2' polymetal sign with stand (\$272)

1 2'x2' plastic double-side A-frame sign (\$183)

### **Landscape Improvement - \$265 grant request**

2 18" diameter heavy stone planter pots (\$200-\$300)

Planting soil (\$50)

Plants – in-kind donation from Yarnell's Nursery, Stayton



## Community Improvement Grant Application

The Community Improvement Grant Program is a financial assistance tool that funds projects and programs for non-profit organizations and neighborhood groups throughout Stayton. The program has been designed to forge partnerships to address neighborhood issues, and provide services to Stayton residents.

Historic Building Plaques

Project Name

11/26/2019

Date Submitted

### Contact Information

Please provide information for a primary and secondary contact for this project, as well as information about the organization or neighborhood association behind the project. **Two contacts are required for all applications.**

Steve Poisson

Primary Contact

1750 E. Pine St Stayton

Street Address

mrstevepoisson@gmail.com

Primary Contact Email

503-739-0749

Phone Number

Juli Boschler

Secondary Contact

295 E. High St. Stayton

Street Address

julibox@aol.com

Secondary Contact Email

503-871-6764

Phone Number

Historic District Downtown

Other neighbors part of group

Geographic Location (ex: Westtown, Pioneer Meadows, etc)

### Project Description

Please provide 1) A brief summary of the program or project to be completed; 2) The nature and makeup of your neighborhood and how many people will directly benefit from the program or project; 3) Who the program or project will benefit; and 4) What need, issue or goal the program or project will address. Be sure to describe how the project ties into the "Proposal Review Criteria" outlined on the first page. Include a separate document if necessary.

See Attached

## Project Budget

Grant Amount Requested	\$ 2000.00
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Cash Match	\$ 300.00
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In-Kind Donation	\$ 1500.00
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(Please attach a Budget Worksheet to describe cash matches and in-kind donations.)

Total Budget	\$ 3800.00
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Who will be responsible for managing the financial accounts and record-keeping required to receive grant payments?

1326 W. Ida, Stayton

Street Address

610-331-4655

Phone Number

Have you applied, or do you intend to apply for other City grants for this proposed project or program? ☐ Yes ☒ No

If yes, which grant programs? \_\_\_\_\_

## Scope of Work

Proposed Start Date	1/6/2020
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Proposed Completion Date	6/26/2020
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Please describe how the program or project will be carried out. Include a proposed timeline and information about individuals who will be organizing and accomplishing the work. **Reminder.** Community Improvement Grant money comes from the FY19-20 City budget. Money becomes available after July 1, 2019 and must be disbursed and spent before June 30, 2020.

See attached

[illegible]

**City of Stayton**  
**Community Improvement Grant Application**

**Project Description:**

FOTS dba Revitalize Downtown Stayton, will research 20 historic buildings and sites in the Historic Downtown core (defined as Washington St. to Water St. and Third Ave. to east side of First Ave.), get property owner approval to install a plaque for a donation of \$20 by the owner (waiver will be available if owner agrees to installation but is unable to donate). The design of the plaque will be similar to those already on a few buildings downtown.

**Scope of Work:**

**January- March 2020 :**Volunteers (headed by Juli Boschler) will identify and research the sites, and prepare written descriptions and obtain historic photographs or drawings of the site.

**April 2020 :** We will contract to have camera-ready plaques created and printed (similar to those that currently exist downtown). Whitewater Graphics will contract to create the plaques.

**May 2020:** Volunteers (headed by Aaron Frictl) will then install the plaques either on the building or on a freestanding post outside the building.

This will be done in collaboration with the creation of a walking tour that will use the free Clio app for phones.

**Project Impact:**

RDS is a Main Street Oregon network organization, and this project will fulfill Design, Promotion, and Economic Vitality functions. It will promote awareness of cultural assets in Stayton and link people to sense of place. This will not only educate residents and visitors to the history of Stayton, but will bring people into the Historic Downtown and expose them to retail and service opportunities available. Through publicity on multiple levels we will make both the 7800 residents of Stayton aware of these resources, and will also do so for the visitors from the surrounding communities that visit Stayton to shop and eat (estimated to be upwards of 20,000 people in any given year).

**Budget Worksheet**

Grant Request	20 plaques @ \$100 ea = \$2000.00
Cash Match	
By building owners when able	15 x \$20 =\$300.00
Volunteer Labor to research	
And install plaques	75 hours @ \$20/hr = \$1500



## Community Improvement Grant Application

The Community Improvement Grant Program is a financial assistance tool that funds projects and programs for non-profit organizations and neighborhood groups throughout Stayton. The program has been designed to forge partnerships to address neighborhood issues, and provide services to Stayton residents.

(CERT)

Community Emergency Response Team

Project Name

11/25/19

Date Submitted

### Contact Information

Please provide information for a primary and secondary contact for this project, as well as information about the organization or neighborhood association behind the project. **Two contacts are required for all applications.**

Jaime Mattison team leader

Primary Contact

6611 Cascade Hwy SE Sublimity, OR 97385

Street Address

StaytonCert99MEMRC@gmail.com

Primary Contact Email

503-779-3710

Phone Number

Tigger Lemke Assistant team leader

Secondary Contact

11182 Kathy Ln SE Stayton OR 97383

Street Address

mirpeg@gmail.com

Secondary Contact Email

(503) 507-6010

Phone Number

38 other CERT volunteers

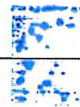
Other neighbors part of group

Stayton / Sublimity

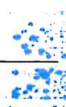
Geographic Location (ex: Westown, Pioneer Meadows, etc)

### Project Description

Please provide 1) A brief summary of the program or project to be completed; 2) The nature and makeup of your neighborhood and how many people will directly benefit from the program or project; 3) Who the program or project will benefit; and 4) What need, issue or goal the program or project will address. Be sure to describe how the project ties into the "Proposal Review Criteria" outlined on the first page. Include a separate document if necessary.



Received  
City of Stayton



NOV 25 2019



Planning / Public Works  
311 N Third Ave., Stayton, OR 97383



## Project Budget

Grant Amount Requested \$ 4,000

Cash Match \$

In-Kind Donation \$ 5,500

(Please attach a Budget Worksheet to describe cash matches and in-kind donations.)

Total Budget \$ 4,881

Who will be responsible for managing the financial accounts and record-keeping required to receive grant payments?

Jaime Mattison  
Name

6611 Cascade Hwy SE Sublimity OR 97385  
Street Address

Stacyton C + 99 MCMRC@gmail.com  
Email

503-779-3710  
Phone Number

Have you applied, or do you intend to apply for other City grants for this proposed project or program? ☒ Yes ☐ No

If yes, which grant programs? hoping to find some grants we can use to help  
keep our program running and operational. no other current grants applied for at this time.

### Scope of Work

1st class of 2020-  
Proposed Start Date January 15, 2020

Proposed Completion Date ongoing  
since Fall 2012

Please describe how the program or project will be carried out. Include a proposed timeline and information about individuals who will be organizing and accomplishing the work. **Reminder.** Community Improvement Grant money comes from the FY19-20 City budget. Money becomes available after July 1, 2019 and must be disbursed and spent before June 30, 2020.

**City of Stayton**  
**Community Improvement Grant Fall 2019**

**Submitted to: Dan Fleishman**

**Date: November 22, 2019**

**Jaime Mattison**  
**Stayton Sublimity CERT Team Leader & Coordinator**  
**6611 Cascade Hwy SE**  
**Sublimity, OR 97385**  
**StaytonCert99MCMRC@gmail.com**  
**505-779-3710**

11/22/2019

Dan Fleishman  
Planning and Development Director  
311 N. Third Ave.  
Stayton, OR 97383

RE: City Of Stayton Community Improvement Grant 2019

Dear Mr. Fleishman,

The Community Emergency Response Team (CERT) of Stayton/Sublimity is please to present this proposal for your review. We look forward to partnering with you to provide Disaster Response relief recovery during catastrophic emergencies and to assist where we can with local community events and activities as needed or requested. The Stayton/Sublimity CERT was established 8 years ago in the fall of 2012 with 6 volunteers. We now have 38 Volunteers ranging from teens to adults to seniors. The numbers are growing each year with the continued education and skills training classes we offer throughout the year.

We have seen measurable success and we are now seeking to expand our CERT program to include the senior community and the teen community. We can do this by providing life saving skills during a disaster or catastrophic event.

It is proposed that in order to continue to provide support and services for local events and emergency disaster relief support, the CERT Team needs financial and community support.

The Stayton/Sublimity CERT hopes that your Foundation will respond favorably to this effort to better serve the citizens of Stayton/Sublimity.

Sincerely,

Jaime Mattison  
CERT Leader/Coordinator

## **Summary**

The Stayton Sublimity Community Emergency Response Team ( CERT) was established in the fall of the year 2012. There were 20 residents that wanted to be more prepared during disasters like floods and storms. All 20 residents went through the first CERT Basic course that was offered in Stayton by Marion County Emergency Management. Of those 20 Residents only 6 remained and felt they had the time to devote to the CERT Program and the community hours that were involved. After 2 years of the program running, more citizens from the Stayton, Sublimity and surrounding areas started hearing the news of how we can be prepared before a disaster hits. The confluence of the two cities, allowed the CERT Program to be more successful in the communities for disaster mitigation risk. Word was getting out that when a disaster occurs there will be very limited resources for help and having supplies on hand readily available was very important in reducing risk and disaster recovery. Now 8 years later and the CERT program has increased awareness throughout Marion County providing hands on training classes and training year round. There are currently 38 CERT volunteers in the Stayton/Sublimity Region.

The Community Emergency Response Team or (CERT) Program educates volunteers and the communities about disaster preparedness for the hazards that may impact their area. The volunteers are trained in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations.

It is proposed that in order to continue to provide support or services for local events by providing first aid and/or public services including disaster relief support to the Stayton/Sublimity community, we need financial and community support. The proposed CERT Program will be conducted under supervision of our Liaison Sgt Meeks of the Stayton Police Department and Marion County Emergency Management. With requested funds totaling \$4,000. Future maintenance of our CERT Program will be made possible through appropriations from the City of Stayton and Sublimity and our volunteer fundraising efforts carried out by the Community Emergency Response Team (CERT).

## **Introduction**

CERT is a direct benefit to the senior residents through education to seniors by providing the tools they need to create and maintain a Family Emergency Plan Book. This acts as a simple paper filing system to organize their information and keep readily accessible and available when a disaster or catastrophic event occurs. This is also a useful tool that is left for the family when a senior dies to help lessen the burden they are already experiencing.

CERT is a direct benefit to youth by providing education and training in disaster preparedness and response. The youth are taught valuable life saving skills for themselves, their families, and their community. Youth who are in high school, are able to earn their required volunteer hours needed for their graduation requirements. Boy scouts and Girl scouts are also able to earn merit badges for their achievements in disaster response and emergency preparedness. Some of the skills the youth learn include putting out small fires, shutting off gas utilities, light search and rescue, medical operations and wound care to name a few.

To Serve the community, CERT helped for the last 8 years by providing public safety and services during the Stayton 4<sup>th</sup> of July Parade and by providing first aid during the fireworks event at the Stayton High School. The CERT volunteers also operate a warming shelter at the Stayton Community Center as requested by the Stayton Police Department, for those in need during the extreme temperatures. On November 9, 2019, CERT volunteers were asked to assist with the annual fall clean up by the city of Stayton. We said yes, and had a team of 14 that were able to help with raking leaves, bagging up the leaves and removal of the leaves from senior residential homes. After we completed 3 houses of the 9 houses who signed up for assistance, part of our team had to leave. This left us with 7 CERT volunteers to finish the remaining 5 houses. We then took the bagged leaves and food donations to the Stayton Public Works where we emptied the bags for the city to load into large bins.

During the last 8 years, the Stayton/Sublimity CERT has provided a disaster preparedness booth at the Santiam Summer fest National Night Out, The Chemeketa Safety Fair, Sublimity Safety Fair, and several other Marion County events. At the booth we passed out several hundred fliers, brochures, and tips on disaster preparedness, including building a 72 hour kit. We also recruited more volunteers to be trained in the CERT Basic 24 hour course for disaster preparedness, some of which are still members today. Each person that goes through the 24 hour CERT Basic course receives a CERT manual, a CERT backpack filled with disaster response items, a certificate of completion and the knowledge and hands on learning of life saving skills. The volunteers learn proper hazard mitigation to reduce the risk in the Stayton/Sublimity Region and all other communities. There are 8 topics that are extensively covered in the CERT Basic curriculum.

By Providing Education on disaster preparedness, CERT is strengthening the social connections in the community with safety management and disaster preparedness techniques before a disaster strikes. We encourage and support neighbors to use the “Map your Neighborhood” strategy to help eliminate the challenges with limited resources and where to turn during and after a disaster. The Stayton /Sublimity CERT Team directly benefits the 8,129 + residents of Stayton and the 2,930 + residents of Sublimity by providing continued support, training and services on disaster preparedness and awareness.

### **The Problem Statement**

One of the consequences for lack of preparation, before a disaster occurs, is how the community will be able to effectively and efficiently respond and survive in the recovery process. There will be reconstruction, human hardship, and lack of supplies and resources in the aftermath of a disaster.

In March of 2018 the regional areas of Stayton, Turner, Salem and surrounding areas were directly affected when a drinking water advisory was put in place. There were cyanotoxins found due to the blue algae levels in the Detroit Reservoir which contained multiple cities drinking water. The water was deemed unsafe even for use due to the high levels of toxins. This caused an epidemic panic among local residents that were directly affected. Many residents were not prepared with water supplies on hand. This continued on for 6 weeks. The OHA ( Oregon Health Authority) required testing every few days to check the levels of toxins in the

water. The CERT Teams throughout Marion County assisted with volunteers and the Military forces to set up and man water distribution stations for 24 hours continuously in 9 different locations throughout Marion County with drinking water from other non affected sources.

On April 10, 2019, The Willamette River crested the banks in the Corvallis Oregon area, causing extreme flood waters to swallow roadways and surround homes, businesses and farms. The Department of Transportation closed several highly traveled roads in the area. Fire Departments responded to multiple rescues both for human and animal which was very abnormal for this time of year. The police and fire resources were quickly overwhelmed deciding who to try and help first. Many were left waiting and wondering what to do, while others were driving thru the flood waters helping to rescue humans and animals stranded in the flood waters. While there was limited time for locals to be ready, having some plans already in place would have limited the affects and risks that occurred.

## **Objectives**

**A.** While we cannot prevent natural disasters, or catastrophic events, we can take steps to mitigate risk before a disaster actually happens. A direct example is educating the Stayton/Sublimity community to plan ahead and keep supplies on hand like drinking water, food, emergency supplies with a plan of action to help mitigate risk. We can help each other by confluence in the community and learning through skills and practice to be ready before hand. This is where the CERT Basic course and continued training throughout the year is important for our CERT volunteers and the communities. The more people we can train, the better the outcome in disaster recovery.

**B.** Although our resources will be limited, and emergency support will be overwhelmed, we can use the partnering strategy with local businesses and residents by creating a plan with the “Map Your Neighborhood” tool. This will enable our communities to have a list of resources and supplies available to utilize during the recovery phase of a disaster. Knowing where to go for resources such as medical supplies, food sources, housing and shelters, fencing panels and kennels for stray animals etc, and having a plan on how to access these resources will help everyone in the community to feel less panic and fear from the disaster.

**C.** CERT volunteers put a lot of time and effort towards our CERT Program for our communities. It is vital that we have continued support to maintain Equipment, Supplies, Personal Gear and Training of our CERT volunteers in order to “Do The Greatest Good, For The Most Amount Of People”. ( The CERT Mission). This means finding support that will be consistent each year.

## **Program/Project Goals**

**A.** The proposal of our CERT Program is comprised of several different but related activities. The First component is public education and support to our seniors and teen community. Our plan is to offer CERT Basic classes year round starting January 15<sup>th</sup> 2020. The classes will either run for 8 weeks and will be 1 day per week or will be on a 2 or 4 Saturday rotation. There will be 2 or 3 weeks in between classes, but this will continue throughout the year. The idea is to allow more flexibility and availability of CERT Basic classes to the community members with various schedules and allow more chances to make u classes that may be missed. The classes are free, the manuals are purchased from FEMA through Emergency Management. The CERT packs we hope we can continue to be provide for our CERT Basic graduates and those who become CERT Volunteers. The training materials and equipment is funded individually by our CERT members.

**B.** Another phase of this program is connecting with other businesses and resources such as the Santiam Hospital, Stayton Pharmacy, Wilco, local farms, and other local businesses and residents who can directly donate items for training and or for real time disasters for response and recovery efforts. We have 2 disaster simulators per year that takes a lot of financial resources such as moulage make-up and pieces, training equipment and supplies for practicing with real live scenarios. If we can partner with more business and resources in the community we can prevent waste of expired first aid supplies such as band aids and splinting materials. This will also limit the amount of out of pocket costs each CERT volunteer has to come up with to train effectively with props, equipment and supplies that are needed for real simulations.

**C.** Purchase of emergency response and training equipment: CERT has identified 8 items needed listed below for use on a continual basis.

CI. Shirts,

CII. Vests

CIII. Hats

CIV. Coats

CV. Trauma Kit and replacement supplies

CVI. Moulage Make-Up and Medical Training supplies

CVII. Animal Rescue Supplies

CVIII. Communications Equipment and supplies

## **Evaluation**

To determine whether our CERT program objectives are being met, we have a leadership team that is working closely with our Liaison Sgt Meeks of the Stayton Police Department, our support with Marion County Emergency Management, and The Fire Departments of Stayton and Sublimity who will formally evaluate the CERT Program each year. The Team Leader Jaime Mattison has proposed two strategies for assessing the CERT Program.

### **A. Process Evaluation**

It is necessary to determine the extent to which the CERT Program is functioning adequately at a successful level from previous plans of the program to current and future plans of the program. It will also be necessary to ensure CERT Volunteers are required to participate in 2 local CERT events per year and 6 of the 12 continued training sessions per year to keep skills and training current and ready to respond efficiently in a disaster. If the evaluators of the CERT Program determine that any of these conditions are not being met, the program coordinator will correct the problem.

### **B. Outcome Evaluation**

Primary interests whether the proposed CERT Program actually improves the social connections of seniors, teens, support and challenges directly after an emergency or catastrophic disaster has occurred. This will help secure our connections with the community with disaster preparedness response and recovery, now and in the future providing direct support and benefit to everyone in the community.

## **Future Funding**

Despite the fact that most of the costs involve one – time purchase, it will be necessary to plan for future funding of certain aspects of our CERT program. These costs include: Maintenance of our equipment (Connex storage container, mobile response trailer, trauma kits, recharging water fire extinguishers), training supplies and emergency response/rescue equipment and CERT gear such as: shirts, coats, packs, and signage.

The CERT Program has indicated that if the program/project is funded, it will appropriate maintenance. A similar commitment the Stayton Police Department and our fundraising efforts will ensure that our CERT Program can sustain in the future.



## **Budget/Narrative**

### Personnel

CERT Gear	
Shirts (\$10x50 = 2 ea member w/logos)	\$500
Coats (\$49 Ea x20)	\$980
Hats (\$7.95x 22)	\$175
Vests (\$20x10)	\$200
Cert backpacks filled (\$70 Each)	\$1400

### Equipment

Rechargeable water fire extinguishers (\$119x4)	\$476
Telescoping Flag pole (radio communications)	\$150
Video Projector and portable Screen (Training)	\$180
Wool Blankets (\$10x50, Warming Shelters)	\$500

### Supplies

Nitrile Gloves ( 10 boxes of 100)	\$100
Hand Sanitizer (20 bottles)	\$20
Medical Supplies (training & first aid)	\$200

### Donations

Connex shipping container 40 Foot	\$3500
Unpaid Volunteer hours (that provide an assumed value per FEMA Disaster Volunteer worker calculation of \$24/hour, x 2000 hours and based on the average number of hours served previous years)	\$48,000

<b>Project/Program Total</b>	<b>\$56381</b>
------------------------------	----------------

### Personnel

The CERT volunteers will devote 30% of their time serving the community with local events and education and training in Disaster Preparedness.

### Equipment

The listed cost of the equipment was determined through a competitive bidding process and research through multiple suppliers. Of the 8 places that we found, only 4 had the lowest bids including : Stayton Sports, EMP Medical Equipment, Amazon, and Lowe's.

### Supplies

Supplies were based on what was used the previous year in our CERT Program for both training and for use while providing First Aid.

## Reference Page<sup>1</sup>

“Water Advisory Information.” *Cityofsalem.Net*, 2018, [www.cityofsalem.net/pages/water-advisory.aspx](http://www.cityofsalem.net/pages/water-advisory.aspx). Accessed 25 Nov. 2019

“Stayton Oregon Population.” *Census*, [https://www.census.gov/glossary/#term\\_Populationestimates](https://www.census.gov/glossary/#term_Populationestimates).

“Stayton, Oregon (OR 97383) Profile: Population, Maps, Real Estate, Averages, Homes, Statistics, Relocation, Travel, Jobs, Hospitals, Schools, Crime, Moving, Houses, News, Sex Offenders.” *City-Data.Com*, 2017, [www.city-data.com/city/Stayton-Oregon.html](http://www.city-data.com/city/Stayton-Oregon.html). Accessed 25 Nov. 2019.

City of Sublimity. “City of Sublimity.” *Cityofsublimity.Org*, 2018, [www.cityofsublimity.org/](http://www.cityofsublimity.org/). Accessed 25 Nov. 2019.

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NOV 25 2019

Planning / Public Works  
111 N. Third Ave., Stayton, OR 97383

## Community Improvement Grant Application

The Community Improvement Grant Program is a financial assistance tool that funds projects and programs for non-profit organizations and neighborhood groups throughout Stayton. The program has been designed to forge partnerships to address neighborhood issues, and provide services to Stayton residents.

Emergency lights and exit signs in the BHEC

Project Name

11/25/19  
Date Submitted

### Contact Information

Please provide information for a primary and secondary contact for this project, as well as information about the organization or neighborhood association behind the project. **Two contacts are required for all applications.**

Wendy Stone

425 N. First Ave Stayton

Primary Contact

Street Address

cmbrownhouse@gmail.com

503-302-0365

Primary Contact Email

Phone Number

Colleen Elliott

425 N. First Stayton

Secondary Contact

Street Address

colleenelizabethelliott@gmail.com

610-331-4655

Secondary Contact Email

Phone Number

NA

N. First Ave & High St. Stayton

Other neighbors part of group

Geographic Location (ex: Westown, Pioneer Meadows, etc)

### Project Description

Please provide 1) A brief summary of the program or project to be completed; 2) The nature and makeup of your neighborhood and how many people will directly benefit from the program or project; 3) Who the program or project will benefit; and 4) What need, issue or goal the program or project will address. Be sure to describe how the project ties into the "Proposal Review Criteria" outlined on the first page. Include a separate document if necessary.

As the Santiam Heritage Foundation (SHF) works through the Change of Use process with the City of Stayton and Marion County. we need to install emergency lights and exit signs in the Brown House Event Center (BHEC). As a public venue available for rent by the public, the site must be safe. SHF regularly serves about 500 local people annually. Over the last 18 years, the community has shown their support for the restoration of this house by many grants, donations, and hundreds, perhaps thousands, of volunteer hours by local volunteers. This, we believe, demonstrates a high level of support from the local community in terms of matching funds and/or Continued

City of Stayton Grant Request 11/2019 continued

in-kind contributions. This project will put SHF one step closer to complying with the requirements to transition the house from a residence to a public venue. It will show further progress toward the original goal of SHF, as stated in our Bylaws, to make the house "open to the public and available to the general public for meetings, weddings/receptions, exhibits, recitals and concerts, or other events as approved by the Board." This project will also increase the safety of the house.

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## Project Budget

Grant Amount Requested

Cash Match

In-Kind Donation

*(Please attach a Budget Worksheet to describe cash matches and in-kind donations.)*

Total Budget

Who will be responsible for managing the financial accounts and record-keeping required to receive grant payments?

**Colleen Elliott**

**425 N. First Ave. Stayton**

Name

Street Address

**colleenelizabethelliott@gmail.com**

**610-331-4655**

Email

Phone Number

Have you applied, or do you intend to apply for other City grants for this proposed project or program? ☐ Yes ☒ No

If yes, which grant programs? \_\_\_\_\_

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## Scope of Work

Proposed Start Date

Proposed Completion Date

*Please describe how the program or project will be carried out. Include a proposed timeline and information about individuals who will be organizing and accomplishing the work. **Reminder.** Community Improvement Grant money comes from the FY19-20 City budget. Money becomes available after July 1, 2019 and must be disbursed and spent before June 30, 2020.*

As this project involves electricity, we will hire a licensed electrician to complete the work. It will require a work permit, which will also be handled by the licensed electrician. The start and end date will depend on the electrician's time frame to schedule our project. We cannot provide in-kind donations, since electrical work must be done by a licensed electrician, however we will purchase the fixtures at \$400. See attached photos of fixtures. The electrician's bid is attached, as is a two page map showing the locations of exit signs and emergency lights that will be installed in the house using this grant.

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**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO:** Mayor Henry A. Porter and the Stayton City Council  
**FROM:** Susannah Sbragia, Finance Director  
**DATE:** February 3, 2020  
**SUBJECT:** Budget to Actual 2019-20 Fiscal Year as of December 31, 2019

---

**INFORMATIONAL UPDATE**

These are the key financial highlights of the Budget to Actual from July 1, 2019 through December 31, 2019 for the fiscal year 2019-20.

**REVENUE UPDATE**

The tax revenue received to date is 92% of the budgeted amount. The majority of taxes are received between October and November. The remaining balance of property taxes continues to be received at a small percentage for the remainder of the fiscal year. The City's average collection rate is 95% of Marion County tax assessed values.

The second largest type of funding the City receives is the "Fees for Services" this revenue currently is showing that we have received 48% of the budgeted amount for the year. The percentage is reasonable due to timing of when payments are received.

**EXPENDITURE UPDATE**

The expenditures are combined totals of Personnel and Material and Services. The expenses do not include capital outlay and transfers. The expenditures are for the first and second quarters of the fiscal year, and means 50% of the year has been completed. The majority of the fund expenditures are under 50% spent of the budgeted amounts for the year. The only two departments that were over 50% is the Police Department and Municipal Court expenditures, which are at 54% spent of the budgeted amounts. The percentage will vary with expenditures based on timing of when projects are being completed and payments are made.

**SUMMARY**

This financial update shows the City is in line with the expectations of the approved budget. The City's revenues are also being received at a rate that is in line with the approved budget.

**MOTION(S)**

Informational no approval.





**City of Stayton  
Half Year  
Financial Update**

**FY 2019-2020**

	<b>19-20 YTD</b>	<b>YE Budget</b>	<b>%Received*</b>
<b>Beginning Fund Balance</b>	<b>\$10,882,307</b>	<b>\$10,241,149</b>	<b>\$641,158</b>
Taxes	\$2,496,772	\$2,723,300	92%
Franchise Fees	\$364,758	\$882,200	41%
Charge for Services	\$2,870,137	\$5,987,000	48%
License, Permits Fees	\$6,299	\$28,500	22%
Intergovernmental	\$287,329	\$1,202,400	24%
Interest & Fees	\$221,887	\$458,100	48%
<b>Total Revenue Received</b>	<b>\$6,247,182</b>	<b>\$11,281,500</b>	<b>55%</b>
<b>Grand Total</b>	<b>17,129,489</b>	<b>21,522,649</b>	

**Operating Budget to Actual Comparison by Fund \*\***

<b>Expenditures</b>	<b>19-20 YTD</b>	<b>YE Budget</b>	<b>% Spent*</b>
<b>General Fund</b>			
Administration	\$896,533	\$2,953,660	30%
Police	\$1,259,634	\$2,342,600	54%
Planning	\$85,529	\$234,400	36%
Community Center	\$23,260	\$59,300	39%
Court	\$41,022	\$75,400	54%
Street Lighting	\$46,911	\$115,900	40%
Mayor City Council	\$7,147	\$46,500	15%
<b>Total General Fund</b>	<b>\$2,360,036</b>	<b>\$5,827,760</b>	<b>40%</b>
<b>Public Works Admin</b>			
Operations	\$245,687	\$538,500	46%
<b>Library Fund</b>			
Operations	\$228,173	\$530,900	43%
<b>Parks Fund</b>			
Operations	\$86,823	\$189,150	46%
Parks SDC	\$0	\$0	0%
<b>Water Fund</b>			
Operations	\$411,772	\$1,086,200	38%
Water SDC	\$0	\$55,000	0%
<b>Storm Water Fund</b>			
Operations	\$109,698	\$222,950	49%
Storm SDC	\$0	\$155,792	0%
<b>Sewer Fund</b>			
Operations	\$764,834	\$1,866,200	41%
Sewer SDC	\$170	\$240,000	0%
<b>Street Fund</b>			
Operations	\$362,300	\$838,400	43%
Street SDC	\$0	\$7,800	0%
<b>Facilities Fund</b>			
Maintenance	\$6,112	\$113,700	5%
<b>Pool Fund</b>			
Operations	\$214,796	\$441,300	49%

\* % Spent and %Received is YTD Actuals divided by YE Budget.

\*\* Does not include debt service, transfers or contingency



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO: Mayor Henry Porter and the Stayton City Council**  
**FROM: Dan Fleishman, Director of Planning and Development**  
**DATE: February 3, 2020**  
**SUBJECT: Resolution 999 Declaring Surplus Property**

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**ISSUE**

The issue before the City Council is consideration of a Resolution 999, which would declare certain city-owned properties as surplus and direct staff to schedule a public hearing prior to their being offered for sale to the public.

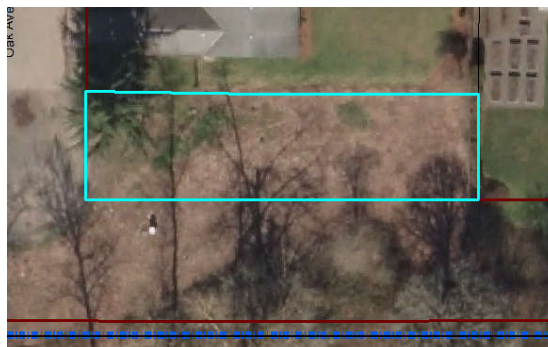
**BACKGROUND INFORMATION**

On November 18 the City Council reviewed a recommendation from staff to determine that two parcels of City-owned land are surplus property. These properties are a 4,500 square foot lot on the east side of N Oak Ave and a 1,000 square foot lot at the end of N Birch Ave. Resolution 999 is a formal declaration that these properties are surplus property, directs that they be offered for sale to public by sealed bids, and requires that public hearing be held prior to the sale.

A brief description of the two properties is repeated from the November staff report:

**N Oak Ave east lot**

This tax parcel, 091W09DC06700, was obtained from Marion County in 1989, presumably tax foreclosed property. This property is located at the corner of N Oak Ave and W Water St. It is 4,500 square feet in area.





### **N Birch Ave lot**

This tax parcel, 091W10CD05900, is located at the south terminus of N Birch Ave, south of W Ida St. A 1985 letter in the files indicates this property, approximately 1,000 square feet in area, was obtained in 1979 for the future extension of N Birch Ave between Ida and Water Streets.



### **OPTIONS AND MOTIONS**

The City Council is presented with the following options.

1. Adopt Resolution 999 as presented.

Move to declare the two properties as surplus and adopt Resolution 999 as presented.

2. Adopt Resolution 999 with modification.

Move to declare the two properties as surplus and adopt Resolution 999 with the following modification(s)...

3. Choose to not to declare either property as surplus.

Move that the City retain ownership of Tax Lot 091W09DC06700 and 091W10CD05900 at this time.

## RESOLUTION NO. 999

### A RESOLUTION DECLARING CITY-OWNED PROPERTIES AS SURPLUS

WHEREAS, the Stayton City Council has reviewed the inventory of properties owned by the City of Stayton;

WHEREAS, there are a number of City-owned properties which are currently not put to municipal use; and

WHEREAS, there are two properties for which there is no foreseeable purpose to retain and the public interest would be furthered by disposing of these unneeded properties.

NOW THEREFORE, BE IT RESOLVED THAT

Section 1. The City of Stayton, declares the following properties as surplus property:

- A. Tax Lot 091W09DC06700 on the east side of N Oak Ave and comprised of the southerly 30 feet of Lot 13, Block 8 of Cramer's Addition to the City of Stayton, Marion County, Oregon.
- B. Tax Lot 091W10CD05900 at the terminus of N Birch Ave, beginning at the Southeast corner of Block 9, Ottomar Lutich Addition to Stayton, Oregon in Township 9 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence South 67° 50' East 21.60 feet along the Southerly boundary of said subdivision; thence South 50.02 feet on a line parallel with the East boundary of said Block 9; thence West 20.00 feet; thence North 58.17 feet to the place of beginning.

Section 2. Property declared to be surplus shall be offered for sale to the general public by sealed bid, with the sale being awarded to the highest bidder.

Section 3. Prior to the sale of the surplus property the City Council shall hold a public hearing regarding the proposed sale. The City Manager shall publish notice of the proposed sale in the *Stayton Mail* during the week prior to the public hearing.

Section 4. This Resolution shall become effective upon adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 3<sup>RD</sup> DAY OF FEBRUARY, 2020.

CITY OF STAYTON

Date: \_\_\_\_\_, 2020

By: \_\_\_\_\_  
Henry A. Porter, Mayor

Date: \_\_\_\_\_, 2020

Attest: \_\_\_\_\_  
Keith D. Campbell, City Manager



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO:** Mayor Henry A. Porter and the Stayton City Council

**FROM:** Keith Campbell, City Manager

**DATE:** February 3, 2020

**SUBJECT:** Res. 1000, Five-Year Local Option Tax for Partial Support of the Library, Pool, and Parks Programs

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**ISSUE**

Resolution No. 1000, calling for a measure election to submit to the electors of the City of Stayton the question of a five-year local option tax, levying a tax rate of \$0.70 per thousand of assessed value, beginning fiscal year 2021-2022, to be placed on the ballot for the May 19, 2020 Primary Election, for partial support of the City's Library, Pool, and Parks programs.

**BACKGROUND INFORMATION**

The City has determined there will continue to be a need for a local option tax levy to maintain current levels of service, operations, and to assist with capital improvements for the Stayton Public Library, Stayton Family Memorial Pool, and local parks and trails. Stayton has relied on Local Option Tax levies for this purpose continuously since 1999 at a rate of \$0.60 per \$1,000 of assessed value. The need for Local Option Tax levies results from the statewide tax limitation measures, Measures 47 and 50, passed in 1996 and 1997 respectively.

The proposed 5-year Local Option Tax will implement a \$0.10 increase per \$1,000 of assessed value, going from \$0.60 to \$0.70 per \$1,000 of assessed value. The levy will begin in the 2021-22 fiscal year and continue through the fiscal year 2025-26.

**FISCAL IMPACT**

The proposed rate will raise approximately \$425,847 in 2021-22, \$438,622 in 2022-23, \$451,781 in 2023-24, \$465,334 in 2024-25, and \$479,295 in 2025-26 for a total of \$2,260,879.

**MOTION(S)**

1. Motion to approve Resolution No. 1000 as presented.
2. Motion to approve Resolution No. 1000, with the following modifications...

## RESOLUTION NO. 1000

### **A RESOLUTION CALLING FOR A MEASURE ELECTION TO SUBMIT TO THE ELECTORS OF THE CITY OF STAYTON THE QUESTION OF A FIVE-YEAR LOCAL OPTION TAX, LEVYING A TAX RATE OF \$0.70 PER THOUSAND OF ASSESSED VALUE, BEGINNING FISCAL YEAR 2021-2022, TO BE PLACED ON THE MAY 19, 2020 PRIMARY ELECTION BALLOT, FOR PARTIAL SUPPORT OF THE CITY'S LIBRARY, POOL, AND PARKS PROGRAMS**

WHEREAS, the City of Stayton has determined there will continue to be insufficient revenues in fiscal years 2021-22 through 2025-26 to ensure adequate funding of mandated City functions and still properly allow for other programs directed toward providing or enhancing desirable levels of recreational and leisure services to Stayton residents;

WHEREAS, the Stayton City Council has determined that \$1,660,000 in additional revenue sources, not presently available within the permanent tax rate imposed by the State of Oregon Constitution are necessary, over the five fiscal years starting July 2021, to partially fund the City's Parks, Library and Pool programs;

WHEREAS, State of Oregon Ballot Measures 47 and 50, passed by Oregon voters on November 5, 1996 and May 20, 1997, respectively, provide the framework and limitations for voter-approved local option taxes;

WHEREAS, consecutive local option tax measures, for similar purposes, were approved by Stayton voters on November 3, 1998, May 21, 2002, May 18, 2004, May 20, 2008, May 15, 2012, and May 17, 2016 respectively;

WHEREAS, it is the Stayton City Council's desire to submit a ballot measure for the May 19, 2020 Statewide Primary Election, for a five-year local option tax, to the registered voters of the City of Stayton for approval.

NOW THEREFORE, THE STAYTON CITY COUNCIL RESOLVES AS FOLLOWS:

1. A measure election is hereby called for the purpose of submitting to the electors of the City of Stayton ("City") the question of a five-year local option tax at the fixed rate of \$0.70 per thousand of assessed value, within the limitations of Article XI, Section 11b of the Oregon Constitution, beginning in Fiscal Year 2021-2022.
2. The measure election hereby called shall be held in the City on the 19<sup>th</sup> day of May, 2020. As authorized by the County Clerk of Marion County, Oregon, and the Oregon Secretary of State, the election shall be conducted by mail pursuant to applicable state law.

3. The City authorizes its City Manager (“Authorized Representative”), or a designee of the Authorized Representative, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.
4. The following is hereby approved as the official Ballot Title:

***Referred to the People by the City Council***

**Title: Five Year Local Option Tax for Library, Pool, Parks Support**

**Question:** Should City of Stayton impose \$0.70 per \$1,000 of assessed value for operations for five years beginning in 2021-2022? This measure may cause property taxes to increase more than three percent.

**Summary:** The City of Stayton is seeking a five-year local option tax of \$0.70 per \$1,000 of assessed value, beginning Fiscal Year 2021-2022, to continue funding of parks, library, and swimming pool programs.

The proposed tax will take the place of the existing four-year local option tax passed in 2016, which ends Fiscal Year 2020-21.

The levy is necessary to maintain current levels of service, operations, and assist with capital improvements for the Stayton Public Library, Stayton Family Memorial Pool, and local parks and trails.

The proposed rate will raise approximately \$425,847 in 2021-22, \$438,622 in 2022-23, \$451,781 in 2023-24, \$465,334 in 2024-25, and \$479,295 in 2025-26 for a total of \$2,260,879.

5. Pursuant to ORS 250.275(5) and 250.285, the City Elections Officer shall publish in the next available edition of *The Stayton Mail*, or in some other newspaper of general distribution within the City, a notice of receipt of the ballot title including notice that an elector may file a petition for review of the ballot title not later than the seventh business day after the title is filed with the City Elections Officer in a form approved by law.
6. Pursuant to ORS 254.095(2) the City directs the City Elections Officer to deliver appropriate notice and the Ballot Title to the Marion County Elections Office immediately following approval of this Resolution by the Stayton City Council.
7. Pursuant to ORS 251.345, the City shall file, prior to applicable filing deadlines, an impartial Explanatory Statement for the local Voter’s Pamphlet. The Explanatory

Statement shall be not more than 500 words and shall be a fair and impartial statement describing the proposed measure and the reasons for it.

8. This Resolution shall take effect immediately upon its adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL 3<sup>RD</sup> DAY OF FEBRUARY 2020.

CITY OF STAYTON

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Henry A. Porter, Mayor

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Keith D. Campbell, City Manager



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO:** Mayor Henry A. Porter and the Stayton City Council  
**FROM:** Keith Campbell, City Manager  
Alissa Angelo, Administrative Services Manager  
**DATE:** February 3, 2020  
**SUBJECT:** Stayton City Council Rules

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**ISSUE**

At the January 21, 2020 City Council meeting, the Council directed staff to make modifications to the Council rules to be brought forward for consideration at a future meeting.

**ENCLOSURE(S)**

- Adopted Stayton City Council Rules
- April 15, 2019 City Council Staff Memo Regarding Stayton City Council Rules
- May 20, 2019 City Council Staff Memo Regarding Stayton City Council Rules
- Resolution No. 1001, Modifying the Rules of the Stayton City Council

**BACKGROUND INFORMATION**

On April 1<sup>st</sup>, 2019 the City Council adopted the 2019-2023 Stayton City Council Goals which includes a goal to “Complete update of Council Rules.”

At the April 15<sup>th</sup>, 2019 City Council meeting, staff brought forward a draft of proposed Rules of the Stayton City Council for consideration and review. Based on Council discussion at the meeting, a modification was made to Chapter 1.V.B, changing the number of days before a meeting agenda packets will be distributed to Council from 3 days to 5 days. Following the meeting, staff received no other comments or revisions from the Council. The Council adopted the current rules at their May 20, 2019 meeting.

To draft the current Council Rules, staff started from scratch using the League of Oregon Cities Model Rules as a baseline for the foundation of best practices. We also chose the City of Tualatin as a benchmark for Council Rules due to their own recent update to their Council rules which were modeled off the League of Oregon Cities Model Rules.

The Council Rules should be mindful and not conflict with the Stayton City Charter. When appropriate, staff has directly copied language from the City Charter and referenced it in the footnotes.

At the January 21, 2020 City Council meeting, the Council directed staff to bring back the Council Rules for consideration of amendments recommended in regard to Public Comment. Attached is Resolution No. 1001, which includes the suggested modifications from the Council meeting for review.

#### **STAFF RECOMMENDATION**

City staff has consulted with the City Attorney. Staff's recommendation is to leave the Stayton City Council Rules as adopted in May 2019.

If the Council chooses to move forward with modifying the Council rules to add an additional public comment section at the end of the meeting, staff's recommendation is as follows:

- Transition to one regular session Council meeting and one work session Council meeting per month.
- Remove public comment from each agenda item and allow for public comment at the beginning of the meeting and end of the meeting.

#### **OPTIONS**

At this time staff is bringing forward a proposed draft of Council Rules for adoption. The following options are available to the Council:

- 1) Adopt the proposed modified Rules of the Stayton City Council as presented.
- 2) Adopt the proposed modified Rules of the Stayton City Council as amended.
- 3) Take no action.

#### **MOTION(S)**

- 1) Motion to approve Resolution No. 1001, as presented.
- 2) Motion to approve Resolution No. 1001, with the following amendments...
- 3) If the Council chooses not to take action, no motion is necessary.





# **RULES OF THE STAYTON CITY COUNCIL**

**Adopted May 20, 2019 – Resolution No. 987**

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# **CHAPTER 1 – GENERAL GOVERNANCE**

## **I. RULES OF PROCEDURE**

- A. Chapter III, Section 11 of the City of Stayton Charter authorizes the Council to adopt rules of procedure for Council meetings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11<sup>th</sup> edition.
- B. To maintain orderly procedures, members of the Council should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before the Council and confuse the public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

## **II. QUORUM**

- A. A quorum is required to conduct official City business. Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members.<sup>1</sup>
- B. In the event a quorum is not present, the members of council present shall adjourn the meeting.

## **III. PRESIDING OFFICER**

- A. The Mayor shall preside over all meetings. The Mayor shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity.
- B. A Council President shall be elected by the City Council at its first regularly scheduled meeting of each calendar year.
- C. In the Mayor's absence, the Council President shall preside over the meeting.
- D. If both the Mayor and the Council President are absent from the meeting, the following procedure may be utilized to determine the Presiding Officer for the meeting:
  - 1. Any member of the Council present at a meeting may call the Council to order.
  - 2. Those members of Council present shall elect, by majority vote, a temporary Presiding Officer for the meeting.
- E. Should either the Mayor or the Council President arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

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<sup>1</sup> City of Stayton Charter, Chapter III, Section 13 – Quorum: "Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members as prescribed by Council Rules.

#### IV. OTHER ELECTED AND APPOINTED OFFICERS

- A. **City Recorder.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meeting laws.
- B. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and to assist in answering questions. The City Manager may participate in any discussion, when recognized by the presiding officer. However, the City Manager has no authority to vote on any decision rendered by the Council.
- C. **City Attorney.** The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

#### V. AGENDAS

- A. The City Manager shall prepare an agenda for every regular meeting, and, if requested by the Presiding Officer, for every special meeting.
- B. Agendas and informational material for meetings shall be distributed to the Council no less than 5 days preceding the meeting.
- C. No Council approval shall be required for an agenda of any meeting.
- D. The City Manager may place routine items referred by staff on the agenda without Council approval or action.
- E. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal under announcements.
- F. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
- G. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

#### VI. ORDER OF BUSINESS

- A. The Mayor, or Council President, as the Presiding Officer, has the authority to determine the order of business at any meeting of the Council when it appears to be in the best interest of the public.
- B. The order of business for all regular meetings shall be as follows:
  - 1. Call to Order. The Presiding Officer announces the opening of the meeting and leads the pledge of allegiance.
  - 2. Announcements. Additions to the agenda and declarations of conflict of interest or ex parte communication.

3. Appointments. Mayoral appointments to City's boards, commissions, and committees.
4. Public Comments. Public comments received concerning matters not on the agenda for the meeting.
5. Consent Agenda. Routine items to be adopted by one motion of the Council.
6. Public Hearings. Public hearings on legislative or quasi-judicial land use matters, and public hearings on all other matters.
7. General Business. Considerations of ordinances, resolutions, contracts, policy statements, and other items.
8. Communications from Mayor and Councilors. Announcements and information provided by members of the Council.
9. Communication from City Staff. Announcements and information provided by members of City staff.
10. Adjournment. The conclusion of the meeting.

C. Public Comment

1. One period for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment should fill out a "Request for Recognition" form and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. If a member of the public wishes to speak on an item that is scheduled to be considered under General Business, the speaker must wait until the agenda item is presented by staff. Once staff has provided their report to the Council, there will be a time for public comment prior to the Council beginning deliberations.
5. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
6. Before providing any public comment, speakers must announce the person's name and place of residence at the podium to the Council.
7. Members of the Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council should not respond to comments made during public comment agenda time, except to ask clarifying questions. Any public requests

for Council action may be referred to staff. Any member of the Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.

D. Consent Agenda

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of the Council by stating which item is to be removed.
4. Appointments to committees must not be placed on the consent agenda.

E. Public Hearings Generally

1. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak should sign the "Request for Recognition" form with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow-up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council should use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of the Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of the Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony by having all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that

the Presiding Officer should announce any such restrictions prior to the commencement of testimony.

9. At the end of public testimony and questions of staff, the Council must do one of the following:
    - a. Initiate deliberations by introducing a motion on the matter;
    - b. Continue the hearing; or
    - c. Keep the record open for additional written testimony.
  10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
  11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
  12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1) or as prescribed by law.
- F. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)
- G. Written Communications to Council
1. Unsolicited communications to the Mayor and/or Council concerning matters on the agenda shall be forwarded to the City staff for consideration of inclusion in the agenda packet.
  2. Unsolicited communications to the Mayor and/or Council concerning matters that are not an agenda shall be forwarded to the City staff for consideration of distribution but shall not be included in the agenda packet.
  3. The City Manager, or designee, may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.

## CHAPTER 2 – MEETING TIME, LOCATION, AND FREQUENCY

- I. **REGULAR MEETINGS.** The Council will generally hold regular meetings at 7:00 p.m. on the first and third Monday of each and every month. If a first or third Monday falls on a City-recognized holiday, the meeting will be held on the following business day.
- II. **SPECIAL MEETINGS.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Special meetings must be noticed in accordance with Oregon’s public meetings law, and, at minimum, must be noticed at least 48 hours prior to the meeting taking place.
- III. **EMERGENCY MEETINGS.** Emergency meetings may be called by the Mayor, three members of the Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Emergency meetings are those meetings called with less than 48 hours’ notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.
- IV. **EXECUTIVE SESSIONS.** Executive sessions may be called by the Presiding Officer, by the request of three members of the Council, by the City Manager, or by the City Attorney.
  - A. Executive Sessions may be called for any purpose authorized by ORS 192.660 or as prescribed by law.
  - B. Only members of the Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
  - C. All attendees must be present for the session in person.
  - D. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report on the issues discussed in executive session.
  - E. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.
- V. **WORK SESSIONS.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

- A. Work sessions are generally scheduled, as needed.
- B. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
- C. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
- D. Work sessions are to be scheduled by the City Manager.
- E. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.
- F. At any work session or regular meeting, a member of Council may request an item be placed on a work session agenda. A majority vote of the Council members present is required to place the item on a future work session agenda.

#### **VI. LOCATION OF MEETINGS.**

- A. Council meetings are held at the Stayton Community Center or other specified location within the jurisdictional limits of the city.
- B. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
- C. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
- D. No Council meeting may be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

#### **VII. NOTICE OF MEETINGS.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law.

#### **VIII. ATTENDANCE AT MEETINGS**

- A. A Council position becomes vacant per City of Stayton Charter Chapter VII, Section 32 – Vacancies.
- B. It is the responsibility of each member of the Council to advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees. The member of Council should communicate the absence to the City Manager as soon as reasonably practicable under the circumstances.
- C. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of the Council to attend in person.
- D. A member of Council should not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of the Council appearing by telephone, or other electronic means where the person's voice may be heard, should remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
- E. Remote attendance is not allowed for Executive Sessions.



## CHAPTER 3 – ORDINANCES AND RESOLUTIONS

### I. ORDINANCES

- A. An ordinance is a law passed by the Council in its legislative capacity.
- B. Ordinance Enactment (*City of Stayton Charter Chapter IV, Section 17, enacted January 1, 2018*)

#### SECTION 17. ORDINANCE ENACTMENT.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.
- (b) The council may enact an ordinance at a single meeting by the unanimous approval of the councilors in attendance, provided the proposed ordinance is available to the public at least seven days before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council enacts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each councilor must be entered into the council minutes.
- (e) When an ordinance is passed, the City Recorder shall endorse it with the date of its passage, his/her name and title of office; and within three day thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
- (f) If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the mayor does not so return it, such ordinance shall become law as enacted.
- (g) Upon the first regular meeting of the council after the demand for reconsideration by the mayor, the council must consider the reasons provided by the mayor and vote on the ordinance. If at least three councilors vote to enact the ordinance, it shall become law. If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become law.

- C. Effective Date of Ordinances (*City of Stayton Charter Chapter IV, Section 18, enacted January 1, 2018*)

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30<sup>th</sup> day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause.

## II. RESOLUTIONS

- A. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.
- B. The City Recorder or designee will assign a Resolution Number.
- C. Resolution Adoption (*City of Stayton Charter Chapter V, Section 20, enacted January 1, 2018*)

### SECTION 20. RESOLUTION ADOPTION.

- (a) Adoption of a resolution or any other council administrative decision requires approval by the council at one meeting.
  - (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
  - (c) After adoption of a resolution or other administrative decision, the vote of each councilor must be entered into the council minutes.
  - (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption.
- D. Effective Date of Resolutions (*City of Stayton Charter Chapter V, Section 21, enacted January 1, 2018*)

SECTION 21. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution.

## CHAPTER 4 – LAND USE HEARINGS

### I. GENERAL CONDUCT OF HEARINGS<sup>2</sup>

- A. Any party may speak in person, through an attorney, or elect to have a representative to present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
- C. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
- D. Upon being recognized by the Presiding Officer, any member of Council may question any person who testifies.
- E. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
- F. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must not the numbers of such persons for the record in the minutes.

### II. QUASI-JUDICIAL LAND USE MATTERS

- A. Scope of Review. All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
- B. Conflicts of Interest
  - 1. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter; or
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
- C. Ex Parte Contact
  - 1. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Manager who can refer it to the City Attorney before the meeting.
  - 2. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding (ORS 227.180 or as prescribed

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<sup>2</sup> State law governs this process. ORS Chapter 197 – Comprehensive Land Use Planning; ORS Chapter 227 – City Planning and Zoning

by law). If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

D. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision of the Council must be based on the applicable standards and criteria set forth in the City of Stayton Municipal Code, the City's Comprehensive Plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
3. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

E. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

1. **Land Use Hearing Disclosure Statement.** The Presiding Officer must read the land use hearing disclosure statement, which must include:
  - a. A list of the applicable criteria;
  - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision.
  - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. **Call for Ex Parte Contacts.** The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
3. **Call for Abstentions.** The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
4. **Staff Summary.** Planning staff will present a summary and recommendation concerning the proposal.
5. **Presentation of the Case.** The presentation of the case will be as follows:
  - a. Proponent's case.
  - b. Persons in favor.
  - c. Persons opposed.

- d. Other interested persons.
- e. **Rebuttal.** Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- 6. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however the Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of factual evidence, all parties must be afforded an opportunity for rebuttal.
- 7. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- F. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
- G. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### III. LEGISLATIVE LAND USE MATTERS

- A. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  - 1. **Call for Abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
  - 2. **Staff Summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
  - 3. **Presentation of the Case.** The presentation of the case will be as follows:
    - a. Proponent's case.
    - b. Persons in favor.
    - c. Persons opposed.
    - d. Other interested persons.
  - 4. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
  - 5. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
  - 6. **Reopening Hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

## **CHAPTER 5 – MOTIONS, DEBATE, PUBLIC COMMENT AND VOTING**

### **I. MOTIONS**

#### **A. The following rules apply to motions:**

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. Any motion shall be reduced to writing if requested by a member of the Council.
4. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
5. If a motion does not receive a second, it dies.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, and then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

### **II. MOTION TO RECONSIDER**

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

**III. DEBATE.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

**IV. PUBLIC COMMENT**

- A. The public is entitled to comment on all matters before the Council that require a vote.
- B. Public comment will occur after the matter up for vote has been presented by City staff and before the Council begins deliberations on the matter.
- C. Each member of the public is entitled to comment on the matter before the Council for three minutes.
- D. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided at a later time.
- E. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.
- F. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

**V. VOTING.** The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these rules.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>3</sup>
- B. Consent Agenda. The unanimous vote of all members of the Council present is required to approve the matters on a consent agenda.
- C. Ordinances. An ordinance requires a majority of a quorum to pass.
- D. Emergency Ordinance. An emergency ordinance requires the unanimous vote of all Council members present.

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<sup>3</sup> City of Stayton Charter, Chapter III, Section 14 – Vote Required: “The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this charter requires approval by a majority of the Council.”

- E. Resolutions. A majority of a quorum is required to pass a resolution.
- F. Budget. The budget requires a majority of a quorum to pass.
- G. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.
- H. Suspension of Rules. A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the City's charter shall not be suspended or rescinded.
- I. Votes. All votes must be recorded in the minutes.
- J. Tie Votes. The Mayor is not a member of the council and has no vote unless there is a tie vote.<sup>4</sup>

## **VI. EFFECTIVE DATE**

- A. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
- B. The following shall take effect immediately upon its passage:
  - 1. Ordinance making appropriations and the annual tax levy;
  - 2. Ordinances relative to local improvements and assessments; and
  - 3. Emergency ordinances.
- C. All other ordinances shall take effect 30 days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
- D. The filing of a referendum petition shall suspend the effective date of an ordinance.

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<sup>4</sup> City of Stayton Charter, Chapter III, Section 9 – Mayor: “The Mayor is not a member of the Council and has no vote unless there is a tie vote.”



## **CHAPTER 6 – MINUTES**

### **I. GENERALLY.**

- A. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder in accordance with the appropriate record retention schedule.
- B. The minutes must contain the following information:
  - 1. The date, time, and place of the meeting;
  - 2. The members of Council present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The result of all votes;
  - 5. The subject of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting.

### **II. APPROVAL**

- A. The Council must approve all minutes of any meeting.
- B. All minutes must be approved within ninety days of the meeting having occurred.
- C. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
- D. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – APPOINTMENTS

**I. APPOINTMENTS OF CITY STAFF.** The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the members of Council present at a meeting.

- A. Reviews. Any person appointed by the Council is subject to an annual review by the Council.
- B. Removals. All appointed persons may be removed by a majority vote of the Council.
- C. Interference. The Council may meet with the Charter approved appointed staff, but in no instance shall the Council be permitted to interfere with the exercise of authority or discretion of said appointees.

**II. APPOINTMENTS TO VACANT POSITIONS OF MAYOR AND CITY COUNCIL**

- A. The Stayton City Charter dictates the appointment process for vacant positions.

**III. COUNCIL LIAISONS**

- A. The Mayor shall appoint one or more Council members to serve as a Council Liaison in the categories below. The intent of the liaison positions isn't to prevent a councilmember from being active or engaged in topics or issues that may be outside the focus of their assigned category.
  - 1. Education, Social Services, Governmental Agencies
  - 2. Economic Development and Housing
  - 3. Public Safety and Environmental
  - 4. Community Relations and Outreach
  - 5. Transportation and Infrastructure (or Public Utilities)
  - 6. The Mayor can serve as a Liaison for any committee or group they deem appropriate.

**IV. APPOINTMENTS OF MEMBERS TO BOARDS, COMMISSIONS, AND/OR COMMITTEES**

- A. Unless otherwise mandated by state law, the Mayor may appoint the members of any board, commission or committee with the approval of a majority vote of the Council.
- B. Unless otherwise prohibited by the Council, the Mayor shall have the authority to create and appoint subcommittees of committees authorized by the Council.
- C. Removals. All appointed persons may be removed at the recommendation of the Mayor with approval of the majority of the Council.

## **CHAPTER 8 – ETHICS, DECORUM, OUTSIDE STATEMENTS, AND SOCIAL MEDIA**

### **I. ETHICS**

- A. All members of the Council must review and observe the requirements of state ethics laws.
- B. In addition to complying with state ethics law, all members of the Council must refrain from:
  - 1. Disclosing confidential information.
  - 2. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - 3. Expressing an opinion contrary to the official position of the Council without so saying.
  - 4. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - 5. Not profiting from their position on Council in violation of state law.
- C. All ethics complaints received about a Councilor should be provided to the City Manager who will forward them to the Oregon Government Ethics Commission (OGECE).

### **II. DECORUM**

- A. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
- B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
- C. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of the Council.
- D. All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so may be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of the Council meeting.

### **III. STATEMENTS TO THE MEDIA AND OTHER ORGANIZATIONS**

- A. Representing City. If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.
- B. Personal Opinions. If a member of Council, to include the Mayor, appears in the personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor before giving their statement.

#### **IV. USE OF SOCIAL MEDIA**

- A. Members of the Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon laws as they pertain to public meetings and public records retention schedules.
- B. Under ORS 192.610 or as prescribed by law, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
- C. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the City; relates to an activity, transaction or function of the City; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the City. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
- D. The digital decorum of elected and appointed officials will be governed by the Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Chapter 8, III (Statements to the Media and Other Organizations) above in all social media activities.
- E. City Council members will refrain from posting comments that:
  - 1. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - 2. Express an opinion in a manner contrary to Chapter 8, III (Statements to the Media and Other Organizations) above.

## **CHAPTER 9 – INTERACTIONS WITH STAFF AND CITY ATTORNEY**

### **I. CITY STAFF**

- A. All members of the Council must respect the separation between the Council's role and the City Manager's responsibility by:
  - 1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
  - 2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
  - 3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex must be directed to the City Manager. Questions sent to staff must be copied to the City Manager. Councilors may not directly interfere with staff or the City Manager's management of staff.
  - 4. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
  - 5. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a Council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.
  - 6. Allegations of misconduct regarding City staff shall be directed to the City Manager.

### **II. CITY ATTORNEY**

- A. Council members may make requests to the City Attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A Councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the Council.
- B. Allegations of misconduct regarding the City Manager or a City Councilor from a City staff member or City Councilor shall be directed to the City Attorney.

## **CHAPTER 10 – ENFORCEMENT AND CONSEQUENCES**

### **I. ENFORCEMENT**

- A. The Council may ensure compliance with City ordinances, Charter, and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, City Charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand. A majority of the entire Council is required to issue a reprimand.

### **II. INVESTIGATIONS AND HEARINGS**

- A. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b), or as prescribed by law, to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City Charter, or state laws applicable to governing bodies has occurred.
- B. Before the Council may publicly reprimand the Council must provide the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b), or as prescribed by law.
- C. No final action or decision can be made in executive session, as provided by ORS 192.660(6) or as prescribed by law.

### **III. REMOVAL**

- A. The Mayor and Councilors may not directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the appointment or approval of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Councilors may discuss or suggest anything with the Manager relating to City business.<sup>5</sup>

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<sup>5</sup> City of Stayton Charter Chapter VIII, Section 34(d)

## CHAPTER 11 – AMENDMENT AND REPEAL OF COUNCIL RULES

- I. **AMENDMENT.** These rules are subject to amendment by the Council.
  - A. Any proposed amendment to these rules must be listed on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public, except in cases of an emergency.
  - B. All amendments to these rules require approval by a majority of a quorum of Council.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **REPEAL.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.
  - A. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
  - B. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public.
  - C. Any repeal and replacement of these rules requires approval by a majority of a quorum of Council.
  - D. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

## **CHAPTER 12 – FINANCES, EXPENSES, AND TRAINING OPPORTUNITIES**

- I. FINANCIAL STATEMENTS.** Pursuant to ORS 244.050 or as prescribed by law, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15<sup>th</sup> of each year. For more information, see the Oregon Government Ethics Commission (OGE) website on how to file.

### **II. EXPENSES**

- A. The Mayor or any City Council member who travels outside Stayton on City business is entitled to receive reimbursement for expenses, which shall be determined as follows:

1. Travel on official business outside Stayton by a single individual may be via public carrier, City-owned vehicle, or private vehicle. If a private vehicle is used, mileage shall be paid at the standard Internal Revenue Service (IRS) mileage rate in effect.
2. City vehicles shall be used for authorized uses and shall absolutely not be used for private purposes.
3. Reimbursement for expenses on official trips shall only be for expenses incurred during the performance of official duty as a City official for the City's benefit. Reasonable meal and lodging expenses may be reimbursed at actual cost upon provision of corresponding receipts to the City Manager. The City shall not reimburse the Mayor or a Councilor for the cost of any alcoholic beverage.
4. The elected official shall submit a signed standard City expense reimbursement request form including copies of all bills, receipts, and/or mileage statements to the City Manager prior to reimbursement.

### **III. IN-SERVICE TRAINING AND EDUCATIONAL OPPORTUNITIES**

- A. The City values educational and training opportunities for the Mayor and City Councilors in order that services rendered to the City will be more effective.
- B. The City shall either pay for or reimburse an elected official for the cost of registration, tuition, books, or materials for conferences, conventions, training seminars, or courses directly related to the City service provided that:
1. Funds for such expenditures are available in the current budget;
  2. The training is germane and directly related to the duties and functions of the elected official;
  3. The individual is not receiving reimbursement from any other source.





**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO:** Mayor Henry A. Porter and the Stayton City Council  
**FROM:** Alissa Angelo, Deputy City Recorder  
Keith Campbell, City Manager  
**DATE:** April 15<sup>th</sup>, 2019  
**SUBJECT:** Stayton City Council Rules Update

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**ISSUE**

Should the Governing Body update Resolution No. 809, Rules of the Stayton City Council?

**ENCLOSURE(S)**

- Resolution No. 809
- League of Oregon Cities Model Rules of Procedure for Council Meetings
- League of Oregon Cities Legal Guide to Handling Disruptive People in Public Meetings
- City of Stayton Charter
- City of Tualatin Council Rules
- Proposed Draft of Stayton City Council Rules

**BACKGROUND INFORMATION**

At the January 22<sup>nd</sup>, 2019 City Council meeting, Councilmember Quigley asked to review Resolution No. 809, Rules of the Stayton City Council. On April 1<sup>st</sup>, 2019 the City Council adopted the 2019-2023 Stayton City Council Goals which includes a goal to “Complete update of Council Rules.”

The current City Council Rules were adopted in October of 2007. The best practices and policies of Council Rules have changed significantly since Stayton’s last update. Staff started from scratch using the League of Oregon Cities Model Rules as a baseline for the foundation of best practices. We also chose the City of Tualatin as a benchmark for Council Rules due to their own recent update to their Council rules which were modeled off the League of Oregon Cities Model Rules.

The Council Rules should be mindful and not conflict with the Stayton City Charter. When appropriate, staff has directly copied language from the City Charter and referenced it in the footnotes.

Staff has also included the League of Oregon Cities White Paper on Handling Disruptive People in Public Meetings, which is a guideline for public comment and public discourse in meetings.

### **OPTIONS**

At this time staff is bringing forward a proposed draft of Council Rules. The enclosures include the information and guidelines that should provide a foundation and base of knowledge to create meaningful rules and guidelines for the City Council.

### **STAFF RECOMMENDATION**

Staff wanted to provide the Council time to review and consider the draft rules, and will be bringing this item back for consideration after the Budget Committee meetings. We encourage the Council to provide comments and feedback, and will seek guidance if this should come as an agenda item or if a work session should be called to review the materials in greater detail.

### **MOTION(S)**

No action required at this time.

## **RESOLUTION No. 809**

### **Rules of the Stayton City Council**

WHEREAS, Section 13. of the Charter of the City of Stayton requires that the City Council adopt rules for the government of its members and proceedings;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Stayton hereby adopts rules and procedures for the conduct of the Mayor and City Council members and their proceedings as follows:

#### **SECTION 1. MEETINGS**

- A. Regular Meetings: The City Council shall meet in regular session on the first and third Monday of each month at the Stayton Community Center or other specified location within the City. All regular meetings will begin at 7:00 p.m. unless another time is designated. In the event that the regular session of the City Council falls on a holiday, the meeting shall be held the following day.

If it is known at least one regular meeting in advance that neither the Mayor nor the Council President will be available to preside over a regular City Council meeting, at such prior meeting the City Council may, by majority vote of those Councilors present, select a mutually convenient alternate date which follows, but is as close as possible to, the actual date the meeting would otherwise be held. This paragraph shall not be applicable if time does not permit necessary advance public notice to reschedule any land use hearings that may already be scheduled for the regular meeting date. In such a case an alternate presiding officer shall be selected as outlined in Section 4 of these Rules.

Whether due to lack of substantial business, hazardous weather conditions or other legitimate reasons, upon the recommendation of the City Administrator, a regular meeting may be cancelled by the presiding officer (Mayor or Council President) or by an affirmative polling of three or more members of the City Council. Notice of such cancellation shall be provided in the same manner in which the meeting was originally noticed.

- B. Special Meetings: Special meetings of the City Council shall be held when called by the Mayor or when three City Councilors request that the Mayor call a special meeting. Notice of special meetings, including the subject, time, and place of the meeting shall be given to all Councilors then in the City. Public notice of special meetings shall be given to the news media and interested persons and posted at Stayton City Hall twenty-four (24) hours prior to the meeting. In case of an actual emergency, a special meeting may be called and public notice given three (3) hours prior to the meeting.

- C. Work Sessions: Special meetings may be held as work sessions of the City Council to give the Council members an opportunity to discuss issues in an informal discussion setting. No motions shall be made at a work session. Decisions on items considered at a work session must be made at a regular or special Council meeting.
- D. Executive Sessions: Under ORS 192.660 executive sessions of the City Council are permitted on certain matters to give the Council members an opportunity to discuss issues in a closed discussion setting. No motions shall be made at an executive session. Decisions on items considered at an executive session must be made at a regular or special Council meeting. Executive Sessions may be called, either as part of a regular meeting or as a separate meeting, by the Mayor, with a consensus of Councilors, or by mutual concurrence of the City Administrator and City Attorney in the furtherance of the City's business. Executive session may be held only for the following reasons (ORS 192.660 subsections in parentheses):
- (1) To consider the employment of a public officer, employee, staff member or individual agent. (2)(a).
  - (2) To consider dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing. (2)(b).
  - (3) To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (2)(d).
  - (4) To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (2)(e).
  - (5) To consider records that are exempt by law from public inspection. (2)(f).
  - (6) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. (2)(g).
  - (7) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (2)(h).
  - (8) To review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an

open hearing. (2)(i).

(9) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments. (2)(j).

## **SECTION 2. OPEN MEETINGS LAW**

The City Council concurs that an informed public, aware of the deliberations and decisions of the City of Stayton, is of utmost importance to the community. In recognition of this policy, the Council shall comply with the Oregon Open Meetings Law, ORS 192.610 to 192.710.

## **SECTION 3. CONDUCT OF MEETINGS**

The presiding officer shall conduct meetings in accordance with these Rules of Council and the Charter of the City of Stayton. All parliamentary questions which arise, not otherwise provided for, shall be governed by Roberts Rules of Order.

Whenever the presiding officer shall call for a polling of the members of the City Council, the order of polling shall be a random order determined by the individual recording the poll.

## **SECTION 4. QUORUM**

Three members of the City Council shall constitute a quorum. A quorum of the Council is necessary for all Council meetings (e.g. Regular and Special meetings and Executive Sessions), except informational Work Sessions. If a quorum is not present, the City Administrator shall immediately inform the absent members, except those known to be unavailable for the meeting, that their presence is required to enable the City Council to proceed. If the absent member or members do not appear after the notice, the Councilors present shall adjourn until a specific time and place or until the next regular meeting. In the absence of the Mayor and Council President, the remaining members shall collectively call the meeting to order and elect a presiding officer who shall conduct the meeting.

## **SECTION 5. AGENDA**

The City Administrator shall determine the subject matter and prepare an agenda of the business to be presented at a regular Council meeting. The City Council shall consider at the regular meeting only matters that appear on the agenda for that meeting and those additional issues that are introduced by the Mayor, a Councilor, or the City Administrator at the appropriate place in the Order of Business at the meeting. Members of the Stayton City Council are encouraged to provide the City Administrator, in advance of a meeting

and prior to distribution of the meeting's agenda, those issues intended to be raised at that meeting, to be added to the printed agenda.

No item of business may be added to the agenda of a special meeting unless it is added twenty-four (24) hours prior to the meeting with the approval of the Mayor and notice of the new agenda item is given to the public and the news media as required under Section 1. of these rules.

## **SECTION 6. CONSENT AGENDA**

In order to make more efficient use of meeting time, resolutions, requests of minute approval and other items which are routine in nature and for which no debate is expected, shall be placed on a "consent agenda." Any item placed on the consent agenda shall be removed at the request of the Mayor or any Council member prior to the time a vote is taken on the consent agenda items.

All remaining items on the consent agenda shall be disposed of in a single motion "to adopt the consent agenda" which shall not be debatable. Adoption of the consent agenda shall be by a roll call vote of all Councilors present. If there are dissenting votes, each item on the consent agenda shall be voted upon separately by a roll call vote.

## **SECTION 7. ORDER OF BUSINESS**

A. Regular Council Meetings: The order of business at regular Council meetings shall be as follows:

- Call to Order
- Flag Salute
- Roll Call/Staff Introductions
- Announcements
- Presentations/Comments from the Public  
(Recommended time for Presentations is 10 minutes. Recommended time for Comments from the Public is 3 minutes).
- Consent Agenda
- Public Hearings
- Unfinished Business
- New Business
- Staff/Commission Reports
- Presentations/Comments from the Public  
(Recommended time for Presentations is 10 minutes. Recommended time for Comments from the public is 3 minutes).
- Business from the Administrator
- Business from the Mayor
- Business from the Council

- Future Agenda Items
- Executive Session (if scheduled)
- Executive Session Final Action (if necessary)
- Adjournment

- B. Public Hearings - General Matters: The Council may hold public hearings as part of any meeting when it desires to obtain testimony from the public on any question before the Council. When hearings are held as part of a regularly scheduled Council meeting, the public hearing shall be noticed for 7:00 p.m. and proceed promptly when the "Public Hearings" segment of the Order of Business is reached.

The order of business for all public hearings of a general nature shall be as follows:

1. Call to Order
2. Staff Report
3. Proponents (if applicable)
4. Opponents (if applicable)
5. General Testimony
6. Questions
7. Close of the Hearing
8. Deliberation and Decision on the Issue

Public Hearings – Land Use Issues: The order of business of public hearings concerning land use issues shall follow the "City of Stayton Rules of Procedure for Public Hearings on Land Use Issues" as adopted by the Council on February 20, 2007, and as may be hereafter amended from time to time.

- C. Public Testimony: The following rules shall govern general testimony provided to the City Council:

1. Identification of Persons Testifying: Any person appearing before the City shall state his name, give his address, and representative capacity, if any, for the record. Any person submitting written testimony shall sign and date the testimony and provide his/her address.
2. Representation of Applicants: Any applicant shall appear either in person or through a representative at the hearing. Corporations, including governmental bodies, must appear through an attorney (ORS 9.320).
3. Time Limitations: Applicants shall limit presentations on an application to a maximum of ten (10) minutes. All other persons shall limit testimony to three (3) minutes per person. The presiding officer may modify the time limits.

4. Repetitive or Irrelevant Testimony: The presiding officer may limit testimony when it is cumulative, repetitive, irrelevant, or immaterial to the issue being considered.

## SECTION 8. VOTING

A majority of the Councilors present at a meeting shall be necessary to decide any question before the Council. A Council member may vote on any question when serving as presiding officer in the absence of the Mayor, but may not exercise the veto authority of the Mayor.

## SECTION 9. ETHICAL CONSIDERATIONS AND DECLARATIONS

(All declarations shall be made publicly at the commencement of the proceedings)

### A. Conflict of Interest.

Oregon Government Standards and Practices laws define **actual** conflict of interest [ORS 244.020(1)] and **potential** conflict of interest [ORS 244.020(7)]. The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.” An **actual** conflict of interest occurs when an official action to be taken would be reasonably certain to result in a financial benefit or detriment. It will occur when an action taken by the official **would** directly and specifically affect the financial interest of the official, the official’s relative or a business with which the official or a relative of the official is associated. A **potential** conflict of interest exists when an official takes action that could possibly have a financial impact on that official, a relative of that official or a business with which the official or the relative of that official is associated. Such impact is not certain.

When met with a **potential** conflict of interest, the Mayor or a Councilor must declare the potential conflict and publicly announce the nature of the potential conflict of interest prior to taking any official action, such as discussing, making a motion or voting on the issue giving rise to the conflict.

When met with an **actual** conflict of interest, the Mayor or a Councilor must declare the actual conflict and publicly announce the nature of the actual conflict. The Mayor or a councilor must then refrain from taking **any** official action, such as discussing, making or motion or voting on the issue giving rise to the conflict.

If the vote of a councilor with an **actual** conflict of interest is required in order to obtain the minimum number of votes required for the council to take action, the councilor may vote but may not discuss or otherwise take official action on the matter giving rise to the conflict.



## **B. Ex Parte Contact or Communication.**

Definition: Done or made at the instance and for the benefit of one party only, and without notice to, or argument by, any person adversely interested. (*Black's Law Dictionary*).

When the Council sits as a decision making tribunal, the Mayor and the Councilors must participate in a very public way. This means that if an official has information gathered from only one source and outside of the formal hearing process, such communication is considered "Ex Parte Contact/Communication" and must be publicly disclosed to accommodate those who might disagree with the communication by affording an opportunity to respond. The disclosure must take place prior to the commencement of the public proceedings. Once the declaration is made the official proceeds to participate in the proceedings.

The law does not disallow Ex Parte Contact/Communication; the public official just needs to disclose, "on the record," the substance of that contact/conversation to allow those who were not a party to it a chance to rebut.

The necessity of disclosure of an Ex Parte Contact/Communication includes "site visits" and "charrette meetings" [Informal sessions typically dealing with future planning items. Charrette meetings should be avoided].

## **C. Bias.**

Definition: Inclination; bent; prepossession; preconceived opinion; a predisposition to decide a cause or an issue in a certain way, which does not leave the mind perfectly open to conviction. **Actual** bias is a state of mind where the public official acting as a decision maker cannot entertain the issue(s) impartially and without prejudice to the substantial rights of the parties involved. (*Black's Law Dictionary*).

Unless there is **actual** bias, the public official decision maker can and should declare the bias, if any, in the public forum in order that the participating decision makers and the public are made aware thereof. Once the declaration of bias is made, the official may proceed to participate in the proceedings. Caution: It is up to the public official to determine whether there is **actual** bias; if so, that individual is precluded from participating in the proceedings.

## **D. Guideline.**

The declarations shall contain a statement of the bias or the content of any interest or contact encountered including who was involved, the time of discovery or happening, and the result, if any, of the interest. The public official shall declare whether or not an

impartial decision on the issue can be made. The Mayor or the presiding officer may allow an opportunity for a rebuttal to the declaration.

## **SECTION 10. DECORUM**

Except by permission of the presiding officer, a Councilor shall address any remarks to the City Council and not to the audience. Upon recognition and permission of the presiding officer, a person in the audience may address the City Council relative to any matter being considered by the City Council at that time. Any person speaking in a Council meeting shall state his or her name and address, limit comments to the issue under discussion, limit remarks to five minutes, and be courteous to the City Council, staff, and audience.

## **SECTION 11. ORDINANCE ADOPTION**

Ordinances shall be adopted using the following procedures:

- A. Public Notice: The City Administrator will notify the press and the public of proposed ordinances seven (7) days prior to the first reading of the ordinance. This shall effectively be accomplished by making a copy of the proposed ordinance available at City Hall for public inspection.
- B. First Reading: Prior to the first reading of an ordinance, the Council will consider the proposed ordinance, a staff report, and may call for public testimony. By motion, the Council shall direct that the ordinance be read for a first reading. Following the first reading the Council shall, by motion, either approve, modify, or disapprove the ordinance as read.
- C. Second Reading: Prior to the second reading of an ordinance, the City Administrator or designee shall read any amendments to the ordinance in full and shall incorporate the amendments into a written copy of the ordinance after adoption. By motion, the Council shall direct that the ordinance be read for a second reading.
- D. Final Enactment: Following the second reading of an ordinance, the Council shall approve the ordinance as read and direct the Mayor to execute the ordinance as enacted.
- E. Readings by Title Only: Any reading of an ordinance may be by title only if:
  - 1. The Council unanimously votes that the reading be by title only; or

2. The City Administrator completes all of the following prior to the first reading of the ordinance:
  - a. Provides each Council member with a copy of the ordinance in the Council meeting packet at least three calendar days prior to the first reading; and
  - b. A copy of the proposed ordinance is provided for Council and public inspection at City Hall at least one week prior to the first reading; and
  - c. Written notice of the availability of the ordinance is posted at City Hall and two other public places in the City at least one week prior to the first reading.
- F. Two Meeting Consideration: All ordinances will normally be considered at two regularly scheduled meetings of the City Council. Single meeting adoption of an ordinance is permissible if both readings of the ordinance are unanimously approved by all Council members present at the meeting.
- G. Veto of an Ordinance: The Mayor may veto an ordinance passed by the Council within seven (7) days of the date of adoption. The Mayor shall state the reasons for a veto in writing at the time of the exercise of the veto, and in advance of the Council's next regularly scheduled meeting, affording Councilors time to consider any action and shall return the ordinance to the Council for consideration at the next meeting.
- H. Override of a Veto: At the meeting following a Mayoral veto, the Council may, by majority vote of the Council members present at the meeting, override a Mayoral veto by repassing the ordinance.

## **SECTION 12. ORDINANCE RECORDING**

All ordinances adopted by the City Council shall be executed by the Mayor and the City Administrator within seven (7) days of adoption by the City Council and shall then be filed in City Hall.

## **SECTION 13. MAYOR'S DUTIES**

The Mayor shall have the following duties and responsibilities:

- A. The Mayor shall serve as the presiding officer at all meetings of the City Council;

- B. The Mayor shall have the authority to preserve order, enforce the rules of the Council, and determine the order of business at all meetings;
- C. The Mayor shall not have a vote on questions before the City Council unless a tie vote occurs;
- D. The Mayor shall not have the power to veto any actions passed by the City Council except ordinances;
- E. The Mayor shall sign all bonds, resolutions, ordinances, agreements, real property deeds, contracts or other documents of the City which implement actions of the Council and require execution by the highest elected official.
- F. In the absence of the City Administrator or the Finance Director, the Mayor is authorized to co-sign checks, orders or financial obligations of the City.
- G. The Mayor shall be the Council's liaison with the City Attorney.

#### **SECTION 14. PRESIDENT OF THE COUNCIL**

A President of the Council shall be elected by the City Council at its first regularly scheduled meeting of each calendar year. The President of the Council shall preside over all Council meetings in the absence of the Mayor. The President of the Council shall serve as acting Mayor whenever the Mayor is unable to perform the duties of the office and shall have the powers of the Mayor while acting in that capacity.

#### **SECTION 15. APPOINTMENTS**

- A. In the event of a vacancy of an elected position on the City Council, the Mayor shall appoint a person to fill the vacancy. This may include using the following "Process For Elective Position Appointment", through which the Council shall consider ratification of the appointment.

##### **PROCESS FOR ELECTIVE POSITION APPOINTMENT**

- 1. Publish request for Applications in mediums of general circulation such as newspapers, broadcast on public access, prepare announcements and post at locations of meeting notice; send announcements to all current committee, commission, board and task force members or community involvement participants; send announcements to previous applicants if known.
- 2. Applications are to include at least the following: name; address; telephone number; age; years of residency; education; work history; prior

government experience; community service, and a release for background checks if desired.

3. An elected position description will be provided to each applicant identifying at least the following: length of appointment; roles and responsibilities; realistic time commitment requirement; current list of Council members and telephone numbers.
  4. The Mayor and City Council may, by mutual agreement, interview one or more applicants in a work session. Interviews are subject to open meetings law. Each applicant shall be interviewed separately, which may include using a common list of questions prepared in advance.
  5. The Mayor's appointment to fill the vacancy (pursuant to Section 28 of the Stayton Charter) shall be announced at a regular or special Council meeting. The City Council may then schedule a work session for the purpose of interviewing the nominee, if not previously done pursuant to #4 above.
  6. The Council shall vote to ratify or reject the Mayor's appointment at a regularly scheduled Council meeting. If ratified, the Mayor's appointment is confirmed; if rejected, the position shall be deemed to remain vacant.
- B. The Mayor shall appoint one or more Council members to serve as the City's representative to all committees, boards, or agencies outside the City government in which the City has an interest.
- C. The Mayor may appoint one or more Council members to serve as liaisons with all City advisory committees, civic groups and organizations, and intergovernmental agencies or groups of which the City is a member or a participant.
- D. In the event of a mayoral vacancy the Council may do any of the following:
1. The President of the Council assumes the duties of the Mayor under Section 14 of these rules until such time as the position of Mayor is filled;
  2. The President of the Council becomes the acting Mayor, subject to the Council's ratification to become Mayor and as acting Mayor may;
    - a) appoint self as mayor subject to Council ratification;
    - b) appoint another as mayor subject to these rules and to Council ratification.

3. The President of the Council assumes the duties of Mayor and the City Council calls a special election for the election of a Mayor.

## **SECTION 16. COMMITTEES**

In addition to the boards and commissions specifically provided for in the Stayton Municipal Code (SMC), as well as the Budget Committee, which is governed by the Oregon Revised Statutes (ORS), the Council may create standing committees and/or ad hoc committees to advise the City Council on topics deemed to merit such committees. Specified boards and committees include:

<u>Committee</u>	<u>Voting Members</u>
A. Budget Committee	6 Citizen Members 5 City Councilors Mayor
B. Library Board	5 Citizen Members
C. Park and Recreation Board	7 Citizen Members
D. Planning Commission	7 Citizen Members (plus 1 non-voting H.S. student)

The Mayor shall have the power to appoint citizen members to all City boards, committees, and commissions with the approval of a majority vote of Council. The Mayor may appoint a Council member to serve as a non-voting representative to any City board, committee, or commission, (with the exception of the Planning Commission, due to the potential for an individual Council member to be challenged regarding ex parte contacts).

## **SECTION 17. EXPENSES**

The Mayor or any City Council member who travels outside the City on City business is entitled to receive reimbursement for expenses, which shall be determined as follows:

- A. Travel on official business outside the City by a single individual may be via public carrier, City-owned vehicle, or private vehicle. If a private vehicle is used, mileage shall be paid at the standard Internal Revenue Service (IRS) mileage rate then in effect.
- B. City vehicles shall be used for authorized uses and shall absolutely not be used for private purposes.

- C. Reimbursement for expenses on official trips shall only be for expenses incurred during the performance of official duty as a City official for the City's benefit. Reasonable meal and lodging expenses may be reimbursed at actual cost upon provision of corresponding receipts to the Finance Director. The City shall not reimburse the Mayor or a Councilor for the cost of any alcoholic beverage.
- D. When the elected official's spouse accompanies the elected official to a conference, meeting, or other City function, the City may pay for the cost of registration, materials, meals, and lodging expenses for the spouse upon approval of a majority vote of the Council.
- E. The elected official shall submit a signed standard City expense voucher including copies of all bills, receipts, and/or mileage statements, to the finance officer prior to reimbursement.
- F. An elected official who will be leaving office in January of any year may be reimbursed for attending the League of Oregon Cities annual convention in November of the preceding year only if the elected official is a speaker at the convention, an officer in the League of Oregon Cities, or the Mayor and/or Council has authorized the elected official's attendance.

#### **SECTION 18. IN-SERVICE TRAINING AND EDUCATIONAL OPPORTUNITIES**

- A. The City Council encourages educational and training opportunities for the Mayor, Councilors, and committee members in order that services rendered to the City will be more effective. The City Administrator shall assist the Council and Mayor in developing training programs designed to meet immediate city-wide needs and in preparing Councilors and committee members to provide better service to the community.
- B. The City shall either pay for or reimburse an elected official or committee member for the cost of registration, tuition, books, or materials for conferences, conventions, training seminars, or courses directly related to the City service provided that:
  - 1. Funds for such expenditures are available in the current budget;
  - 2. The elected official or committee member has made application through the City Administrator prior to registration and has received approval for participation in the training session or educational program;
  - 3. The individual is not receiving reimbursement from any other source.

#### **SECTION 19. CEREMONIAL EVENTS OR ACTIVITIES**

In the performance of the official duties as Mayor, the Mayor may authorize expenditure of City funds up to an amount of \$200.00 per event/activity for incidental gifts, meals, events, and other ceremonial activities if adequate funds are available in the City budget to cover the expenditures. No expenditure of City funds is allowed for alcoholic beverages. The Mayor shall report any ceremonial or incidental expenditures to the Council on a monthly basis.

## **SECTION 20            POLITICAL ACTIVITY**

- A. No person shall attempt to or shall actually coerce, command, or require a public employee to influence or give money, service, or other items of value to promote or oppose any political committee or to promote or oppose the nomination or election of any candidate, the adoption of a measure, or the recall of a public office holder while the employee is on the job during working hours. This section does not, however, restrict the right of a public employee to express personal political views when not on duty with the City.
- B. No elected member of the Stayton City Council shall be appointed as a paid employee of the City. Nothing in this section shall affect the right of a member of the City Council from working for the City as a private contractor or as an employee of a business enterprise conducting business with the City or from performing service for the City.

## **SECTION 21.            SUSPENSION OF RULES**

Any rule prescribed in this resolution may be suspended by the City Council upon majority vote of the Council members present at the meeting.

## **SECTION 22.            EFFECTIVE DATE**

These rules shall take effect upon the passage of this Resolution.

## **SECTION 23.            RESOLUTION REPEALED**

Resolution No. 727, Rules of the Stayton City Council, passed by the Council on the 19<sup>th</sup> day of May, 2003, is hereby repealed in its entirety.



ADOPTED BY THE STAYTON CITY COUNCIL this 15<sup>th</sup> day of October, 2007.

CITY OF STAYTON

Dated: October 19, 2007

By: Virginia L. Honeywell  
Virginia L. Honeywell, Mayor

Dated: October 19, 2007

By: Chris Childs  
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten  
David A. Rhoten, City Attorney



**MODEL**

LEAGUE OF OREGON CITIES

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# **Model Rules of Procedure for Council Meetings**

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**MARCH 2017**





# Model Rules of Procedure for Council Meetings

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## **Introduction**

In Oregon, many city charters require a city council to establish rules of procedure for how council meetings will be governed, how appointments will be made and how council members are to interact with city employees. Although those charters direct the council to create rules, the charters don't provide substance or guidance on how to do so. The purpose of this guide is to provide cities with a starting point in creating their rules of procedure, where required by the city charter, or where a council so desires.

Establishing rules of procedure for council meetings has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the council and residents to debate matters of public concern in a courteous and respectful manner that lessens the likelihood of discontent and friction. Third, rules provide guidance to council members on how they are to interact and engage with city employees and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office.

These model rules are intended to provide a starting point for a city council needing to adopt or update its council rules. Although comprehensive, they are not exhaustive, and council members should work together to identify areas in which rules are needed. Similarly, these model rules are not intended to be the definitive statement on what a council should adopt. City councils have a lot of discretion in determining how to conduct their business—and they should not feel constrained to adopt the rules as presented in this model, but rather to exercise their inherent discretion in crafting a set of rules that match their community's culture, needs and values.

## **Disclaimer**

The League's Model Rules of Procedure for Council Meetings are not a substitute for legal advice. To ensure compliance with federal, state, and any applicable local charters or ordinances, city officials drafting rules of procedure for council meetings are advised to seek the advice of their city attorney.

## CHAPTER 1 – General Governance

### I. Rules of Procedure.

- A. Unless otherwise provided by charter, ordinance or these rules, the procedure for council meetings, and any subcommittee of a city council, shall be guided by Robert's Rules of Order, 11<sup>th</sup> Edition.
- B. Members of the council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

### II. Quorum. A quorum is required to conduct official city business.

- A. The members of the council are the city councilors and mayor. Fifty-percent plus one of the members of the council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.<sup>1</sup>
- D. In the event a quorum is not present, the members of council present shall adjourn the meeting.

### III. Presiding Officer.

- A. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.
- B. In the mayor's absence the president of the council [*Mayor Pro-Tem*] shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity
- C. If both the mayor and the president of the council [*Mayor Pro-Tem*] are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
  - 1. The city recorder [*council secretary*] shall call the council to order and call the roll of the members.
  - 2. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.

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<sup>1</sup> When drafting a quorum requirement, ensure it complies with the city charter, which should indicate what constitutes a quorum and whether the mayor counts towards the quorum requirement.

3. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

#### **IV. Other Elected and Appointed Officers.<sup>2</sup>**

- A. City Recorder. The city recorder shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.
- B. City Manager [City Administrator]. The city manager [*city administrator*] is required to attend all meetings of the council and is permitted to participate in any discussion; however, the city manager [*city administrator*] has no authority to cast a vote in any decision rendered by the council.
- C. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion, either written or oral, on legal questions.

#### **V. Agendas.** The city manager [*city administrator*] shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.

- A. Agendas and informational material for meetings shall be distributed to the council at least three (3) days preceding the meeting.
- B. No council approval shall be required for an agenda of any meeting.
- C. The city manager [*city administrator*] may place routine items and items referred by staff on the agenda without council approval or action.
- D. The city manager [*city administrator*] may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal under announcements/proclamations.
- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager [*city administrator*] at least one week prior to the meeting.<sup>3</sup>

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<sup>2</sup> Only those offices provided for by charter or ordinance should appear in this section.

<sup>3</sup> As an alternative, the council may wish to vote on whether a councilor's item will be placed on the agenda for a decision or further action.

**VI. Order of Business.** The order of business for all regular meetings shall be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:

1. Call to order.
2. Roll call.
3. Announcements/proclamations.
4. Reports of boards, commissions, committees, elected officials and city employees.
5. Public comment on items on the agenda (other than public hearings).
6. Consent agenda.
7. Items removed from the consent agenda.
8. Ordinances and resolutions.
9. Public hearings.
10. Appointments.
11. Public comment on items not on the agenda.
12. Adjournment.

A. Call to Order. The presiding chair shall call all meetings of the council to order. The call to order shall note the date, time and location of the meeting so that it may accurately be reflected in the minutes.

B. Roll Call. The city recorder [*council secretary*] shall conduct a roll call to determine which members of the council are present and which are absent.

1. The attendance shall be properly reflected in the minutes.
2. If roll call determines that a quorum is not present, the meeting shall be adjourned.

C. Announcements/Proclamations. Announcements are intended to be procedural in nature, such as an item being removed from the agenda. Proclamations are awards or recognition of individuals by the council.

D. Reports of Boards, Commissions, Committees, Elected Officials and City Employees. When necessary, reports can be given to the council by boards, commissions committees, elected officials and/or city employees.

1. When appropriate, reports to the council should include written materials which are provided to the council at least three days in advance of the meeting.
2. Oral reports to the council should generally not exceed 10 minutes in length.
3. The council may ask questions of the presenter upon conclusion of the report being given.

E. Public Comment

1. Two periods for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time. Subject to the limitations contained in subsection H-5(e) of this section, the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of city business, other than agenda items. The presiding officer may, unless a member of council objects, allow a person who desires to make comment on an item not on the agenda to speak during the first comment period.
2. Persons wishing to speak during public comment must sign the “speaker’s roster” with the person’s name and address and the topic upon which the person wishes to speak, not later than the call to order.
3. Members of the public may speak about any topic during the last period for public comment, except as provided in H-5(d) of this rule.
4. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
5. Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker’s roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address [or the ward in which they reside]. The presiding officer may allow additional persons to speak if they have not signed the speaker’s roster and sufficient time is left in the 30- minute period.



6. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
  7. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
  8. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to city staff prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.
- F. Consent Agenda. In order to expedite the council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.
1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
  2. Any item on the consent agenda may be removed for separate consideration by any member of the council.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.
- G. Ordinances and Resolutions – See [Chapter 3](#)
- H. Public Hearings Generally
1. A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
  2. Persons wishing to speak shall sign the “hearing roster” with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.

3. The city recorder [*council secretary*] shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
4. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address [or identify the ward in which they reside.] All remarks shall be addressed to the council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
  - a. Staff presentation (15 minutes total).
  - b. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
  - c. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
  - d. Other interested persons (3 minutes per person).
  - e. Questions of staff (No time limit).
  - f. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).
6. Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
7. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.
8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the

approval of the council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the city recorder *[council secretary]* to note the numbers in the minutes.

9. At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.
  10. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder *[council secretary]* at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.
  11. Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.455(1).
- I. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)
  - J. Written Communications to Council.
    1. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council in the agenda packet, but shall not be individually itemized on the agenda.

2. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
3. The city manager [*city administrator*] may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

## CHAPTER 2 – Meeting Time, Location and Frequency

- I. **Regular meetings.** The council shall meet every \_\_\_\_\_ evening, with the exception of designated holidays and/or council recesses.
  - A. Meetings shall begin at \_\_\_\_\_ p.m.
  - B. Meetings shall adjourn at \_\_\_\_\_ p.m., allowing one-hour increment extensions upon a majority vote of the council.
- II. **Special meetings.** Special meetings may be called by the presiding officer, by request of three members of the council, or by the city manager [*city administrator*].
  - A. Notice of the special meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the special meeting shall be given to all members of the council and the city manager [*city administrator*] via telephone and email.
  - C. Special meetings shall be noticed in accordance with Oregon’s public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.
- III. **Emergency meetings.** Emergency meetings may be called by the presiding officer, by the request of three members of council, or by the city manager [*city administrator*].
  - A. Notice of the emergency meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the emergency meeting shall be given to all members of council and the city manager [*city administrator*] via telephone and email.
  - C. Emergency meetings are those meetings called with less than 24 hours’ notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

- IV. Executive Sessions.** Executive sessions may be called by the presiding officer, by the request of three members of council, by the city manager [*city administrator*] or by the city attorney.
- A. Only members of the council, the city manager [*city administrator*] and persons specifically invited by the city manager [*city administrator*] or the council shall be allowed to attend executive sessions.
  - B. Representatives of recognized news media<sup>4</sup> may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
- V. Work Sessions.** Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings.
- A. All work sessions are subject to Oregon’s public meetings law and must be noticed accordingly.
  - B. Work sessions are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session.
  - C. Work sessions are to be scheduled by the city manager [*city administrator*].
  - D. The city manager [*city administrator*] is to invite any relevant staff to work sessions so that the sessions are as productive as possible.
- VI. Holidays.** In the event a regular meeting falls on a holiday recognized by the city, the regular meeting for that week shall be cancelled.
- VII. Council Recess.** The council shall be in recess, at a minimum, during the following dates each calendar year:<sup>5</sup>
- A. August 1 – August 31;
  - B. The Monday before Thanksgiving and the Friday after Thanksgiving; and
  - C. December 15 to January 1.
- VIII. Location.** Council meetings shall be held at city hall.
- A. In the event city hall is not available for a meeting, the council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.

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<sup>4</sup> State law requires governing bodies to allow representatives of recognized news media to attend executive sessions except for labor negotiations and litigation where the news media is a party to the litigation. State law does not define the term news media and a decision whether such an individual should be permitted to attend an executive session must be made on a case by case basis.

<sup>5</sup> Ensure that any recess is in compliance with the city charter. It is not uncommon for a charter to require that the council meet at least once a month.

- B. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
  - C. Interjurisdictional meetings may be held outside of the city's jurisdictional limits, but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
  - D. No council meeting shall be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.
- IX. Notice.** The city recorder [*council secretary*] shall provide notice of all meetings in accordance with Oregon's public meeting law.
- X. Attendance.** Members of the council shall advise the city manager [*city administrator*] if they will be unable to attend any meetings. Under the charter, a council position becomes vacant if the member of council is absent from the city for more than 30 days without council permission or absent from all meetings of the council within a 60-day period.

## CHAPTER 3 – Ordinances and Resolutions<sup>6</sup>

- I. Ordinances.** All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein.
- A. Numbering. The city recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the ordinance was introduced.
- B. Sponsorship. Each ordinance shall note the name of the member(s) of the council introducing or sponsoring the ordinance.
- C. Preparation and Introduction.
1. All ordinances shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
  2. Ordinances shall be introduced by a member of the council. Except that, upon the request of the council, an ordinance may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such ordinance upon completion of the introduction.
  3. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
- D. Calendar of Ordinance.
1. An ordinance is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
    - a. A public hearing on the ordinance be held;
    - b. Refer the ordinance to committee for review and recommendation;
    - c. Refer the ordinance to the city manager [*city administrator*] for further revision;
    - d. Pass the ordinance to a second reading; or
    - e. Reject the ordinance in whole or in part.

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<sup>6</sup> Many city charters prescribe the form and manner in which ordinances are adopted. Although council rules should address the process by which it will adopt resolutions and ordinances, it is important to ensure that the rules comply with the charter. Where the rules and the charter conflict, the charter provision prevails.



2. All ordinances when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all ordinances shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any ordinance at time of second reading, that ordinance shall be removed from the calendar of second reading, and considered separately. Ordinances to be considered separately shall be ready by title only.
5. When the calendar of second reading or an ordinance which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to an ordinance shall be in writing, and may be made by interlineation upon the ordinance.
7. No second reading of any ordinance shall occur at the meeting where it is introduced, except by suspension of this section of the rules, and no ordinance shall be passed at a single meeting, except by a unanimous vote for passage by all members of council present.
8. An affirmative vote of at least three members of the council shall be necessary to pass an ordinance.
9. When an ordinance is rejected by the council, and is not reconsidered as provided by these rules, neither the ordinance, nor any other ordinance which contains substantially the same provisions, shall be considered by the council for a period of not less than six months, unless at least three members of the council petition for early consideration.

**II. Resolutions.** All resolutions considered by and voted upon by the council shall adhere to the rules outlined herein.

- A. Numbering. The city recorder shall number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the resolution was introduced.
- B. Sponsorship. Each resolution shall note the name of the member(s) of the council introducing or sponsoring the resolution.

C. Preparation and Introduction.

1. All resolutions shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
2. Resolutions shall be introduced by a member of the council. Except that, upon the request of the council, a resolution may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such resolution upon completion of the introduction.

D. Calendar of Resolution.

1. A resolution is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
  - a. A public hearing on the resolution be held;
  - b. Pass the resolution to a second reading; or
  - c. Reject the resolution in whole or in part.
2. All resolutions when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all resolutions shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any resolution at time of second reading, that resolution shall be removed from the calendar of second reading, and considered separately. Resolutions to be considered separately shall be ready by title only.
5. When the calendar of second reading or a resolution which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to a resolution shall be in writing, and may be made by interlineation upon the resolution.
7. A second reading of a resolution is permitted to occur at the meeting where it is introduced, and a resolution may be passed at a single meeting by a unanimous vote for passage by all members of the council present.

8. An affirmative vote of a majority of the council present shall be necessary to pass a resolution.
9. When a resolution is rejected by the council, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered by the council for a period of not less than three months, unless at least three members of the council petition for early consideration.

## CHAPTER 4 – Land Use Hearings

### I. General Conduct of Hearings.

- A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the city manager [*city administrator*], planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

### II. Quasi-Judicial Land Use Matters.

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Conflicts of Interest.
  - 1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
  - 2. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding.

If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.

- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
  2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
1. Land Use Hearing Disclosure Statement. The city recorder [*council secretary*] shall read the land use hearing disclosure statement, which shall include:
    - a. A list of the applicable criteria;
    - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
    - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
    - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
  2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
  3. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding,

unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
5. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
6. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
7. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
8. Findings and Order. The council may approve or reject the proposal.
  - a. The council shall adopt findings to support its decision.
  - b. The council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- E. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **III. Legislative Land Use Matters.**

- A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
  1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.

2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## CHAPTER 5 – Motions, Debate, Public Comment and Voting<sup>7</sup>

- I. **Motions.** All motions shall be distinctly worded.
  - A. The following rules shall apply to motions:
    1. If a motion does not receive a second, it dies.
    2. The council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
    3. Any motion shall be reduced to writing if requested by a member of the council.
    4. A motion to amend can be made to a motion that is on the floor and has been seconded.
    5. No motion shall be received when a question is under debate except for the following:
      - a. To lay the matter on the table;
      - b. To call for the previous question;
      - c. To postpone;
      - d. To refer; or
      - e. To amend.
    6. A motion may be withdrawn by the mover at any time without the consent of the council.
    7. Amendments are voted on first, then the main motion if voted on as amended.
    8. A member of the council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
    9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
      - a. A call for the question fails without a majority vote.
      - b. Debate on the main subject resumes if the motion fails.
    10. A motion that receives a tie vote fails.

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<sup>7</sup> Many councils adopt Robert's Rules of Order to govern motions and related matters. This model adopts Roberts Rules as a *guide* for procedural matters and sets out a simplified procedure for motions and voting. Under this model, where Robert's Rules conflict with the model rules, the model rules should prevail.



11. The presiding officer shall repeat the motion prior to a vote.
12. A motion to adjourn cannot be amended.
- B. **Motion to Reconsider.** A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
  1. No motion shall be made more than once.
  2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the council.
- II. **Debate.** The following rules shall govern the debate of any item being discussed by the council:
  - A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
  - B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
  - C. The member of the council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.
- III. **Public Comment.** The public shall be entitled to comment on all matters before the council that require a vote.
  - A. Public comment shall occur after the matter up for vote has been presented by city staff and before the council takes any formal action on the matter.
  - B. Each member of the public is entitled to comment on the matter before the council for five minutes.
  - C. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the council or city staff.
  - D. Each person desiring to give public comments shall provide the council with his or her name and address prior to giving comment. This information shall be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
- IV. **Voting.** The following rules shall apply to voting on matters before the council, unless amended in the manner outlined in [Chapter 4](#) of these Rules.<sup>8</sup>

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<sup>8</sup> City charters sometimes contain voting requirements. Any voting requirement must comply with the city charter.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.
- B. Consent Agenda. The unanimous vote of all members of the council present is required to approve the matters on a consent agenda.
- C. Resolutions. A majority of quorum shall be required to pass a resolution.
- D. An Ordinance Involving a Fee or Fine. An ordinance involving a fee or fine shall require a majority of the council to pass.
- E. An Ordinance Not Involving a Fee. An ordinance which does not involve a fee or a fine shall require a majority of a quorum to pass.
- F. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- G. Budget. The budget shall require a majority of a quorum to pass.
- H. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- I. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.
- J. All votes shall be recorded in the minutes.
- K. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
- L. Effective date.
  - 1. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
  - 2. The following shall take effect immediately upon its passage:
    - a. Ordinances making appropriations and the annual tax levy;
    - b. Ordinances relative to local improvements and assessments; and
    - c. Emergency ordinances.

3. All other ordinances shall take effect \_\_\_\_\_ days<sup>9</sup> after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
4. The filing of a referendum petition shall suspend the effective date of an ordinance.

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<sup>9</sup> Ordinarily ordinances go into effect 30 days after passage. Check the city charter for effective date of ordinances.

## CHAPTER 6 – Minutes

### I. Generally.

- A. All minutes shall be in written form, with an electronic copy of the meeting maintained by the city recorder [*council secretary*] in accordance with the appropriate record retention schedule.
- B. The minutes shall contain the following information:
  - 1. The date, time and place of the meeting;
  - 2. The members present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The results of all votes and the vote of each member by name;
  - 5. The substance of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting

### II. Approval. The council shall approve all minutes of any meeting.

- A. All minutes shall be approved within ninety days of the meeting having occurred.
- B. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed.
- C. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – Appointments

- I. **Appointments of City Staff.** The council appoints and can remove those positions identified in the city's charter. All appointments require a majority vote of the entire council.
  - A. Reviews. Any person appointed by the council shall be subject to an annual review by the council.
  - B. Removals. All appointed persons may be removed by a majority vote of the entire council.
  - C. Interference. If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.
- II. **Appointments of Members to Boards, Commissions and/or Committees.**
  - A. Unless otherwise mandated by state law, the mayor shall appoint the members of any board, commission or committee authorized by the council.
  - B. Unless otherwise prohibited by the council, the mayor shall have the authority to create and appoint subcommittees of committees authorized by the council.
  - C. Removals. All appointed persons may be removed by the mayor.

## CHAPTER 8 – Ethics, Decorum, Outside Statements

- I. **Ethics.** All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
  - A. Disclosing confidential information.
  - B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  - C. Expressing an opinion contrary to the official position of the council without so saying.
  - D. Conducting themselves in a manner so as to bring discredit upon the government of the city.
- II. **Decorum.**
  - A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
  - B. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
  - C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.
- III. **Statements to the Media and Other Organizations**
  - A. Representing City. If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
  - B. Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

## CHAPTER 9 – Interactions with Staff & City Attorney

- I. **Staff.** All members of the council shall respect the separation between the council's role and the city's manager's [*city administrator's*] responsibility by:
  - A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager [*city administrator*].
  - B. Refraining from actions that would undermine the authority of the city manager [*city administrator*] or a department head.
  - C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager [*city administrator*].
    1. Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council.
    2. Members of the council shall normally share any information obtained from staff with the entire council. This section is not intended to apply to questions by members of the council acting in their individual capacities rather than as members of the council, nor to questions regarding conflict of interest or similar issues particular to a member of the council.
- II. **City Attorney.** Council members may make requests to the city attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the council.

## CHAPTER 10 – Censure [*and Removal*]<sup>10</sup>

- I. The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a member of council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a public reprimand [*or removal as provided for in the city charter*].
- II. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

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<sup>10</sup> Some charters allow the council to remove the mayor or councilor from office for certain enumerated reasons following notice and a public hearing. Absent such a charter provision, it's likely that an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.



## CHAPTER 11 – Amendment and Repeal

- I. **Amendment.** These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
  - A. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
  - B. All amendments to these rules requires a majority vote.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **Repeal.** These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
  - A. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
  - B. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
  - C. Any repeal and replacement of these rules requires a majority vote.
  - D. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.



LEAGUE OF OREGON CITIES

WHITE PAPER

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# Legal Guide to Handling Disruptive People in Public Meetings

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cisoregon.org

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## Introduction

Almost every local government official will be in a public meeting at some point in his or her career and experience the near or total derailment of the meeting by a disruptive member of the public. Whether it's the person who refuses to relinquish his or her position at the podium during public comment or the audience member who repeatedly shouts his or her dismay about a comment being made by a recognized speaker, such disruptions can be annoying, and in some cases so severe that officials are unable to conduct the public's business.

These types of situations can be challenging, as the governing body attempts to find a way to deal with the disruption without escalating the situation, or worse, inviting a lawsuit.

Sometimes, the governing body simply ignores the disruption. In other situations, it may be necessary to end the meeting and resume at a later date, hoping a period of cooling off will prevent a disruption when the meeting is resumed. If those efforts don't work, public officials are often left wondering if they can legally remove the person, and if so, whether they can prohibit the person from returning to future meetings. Public officials also refer to the removal of a person from a public meeting or their suspension from future meetings as "trespassing a person." The purpose of this guide is to explore those latter options for dealing with disruptive behavior.

This guide begins with an overview of public meetings law and whether and when the public has a right to speak at public meetings. The guide then turns to the constitutional issues on what types of speech are protected, and the issues that are involved in removing someone from a council meeting. Finally, the guide summarizes the relevant case law in this area and concludes with some practical advice for addressing members of the public who are disruptive to a city council meeting.

## Public Attendance Versus Public Participation

Although Oregon's public meetings law requires governmental meetings to be open to the public, it is not a law that requires the government to allow the public to participate in its meetings. In relevant part, ORS 192.630(1) states that "all meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting." Oregon's attorney general has explicitly said that the "right of public attendance guaranteed by the Public Meetings Law does not include the right to participate by public testimony or comment."<sup>1</sup>

Although Oregon's public meetings law does not require governments to allow public participation, it is often required by other state laws or local ordinances. For example, state law requires a city to hold a public hearing before adopting its budget. State law also requires city councils to hold public hearings when making certain land use decisions. In addition, many cities have adopted rules of procedure for their city council meetings that allow the public to speak on certain matters of public concern at a council meeting.

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<sup>1</sup> *Public Records and Meeting Manual*, Public Meetings Page 151 (2014).

## Controlling Public Participation

When state or local rules allow the public to speak, any restrictions that a city desires to impose must fall within constitutional parameters.

### A. Constitutional Amendment Protections Provided to Public Meetings

In the United States, the First Amendment ensures that “debate on public issues should be uninhibited, robust, and wide-open.”<sup>2</sup> “Citizens have an enormous first amendment interest in directing speech about public issues to those who govern their city.”<sup>3</sup> However, cities are not required to “grant access to all who wish to exercise their right to free speech on every type of government property, at any time, without regard to the disruption caused by the speaker’s activities. Even in a democracy, the government need not tolerate actual disruptions of government business.”<sup>4</sup>

In recognition of the fact that public meetings are a highly important place for the public to share concerns with their governing leaders, and equally recognizing the importance of a governing body’s need to actually govern, a city council meeting (or other public meeting) is considered to be a limited public forum. In general, a limited public forum is a forum created by the government for expressive activity, wherein the activity can be moderately limited through time, place and manner restrictions, with the caveat that the restrictions are viewpoint neutral.

Article I, Section 8 of the Oregon Constitution also protects the free speech rights of the public. Although the Oregon courts have not decided a case involving free speech and public meetings, they have made clear that any content-based restriction is unconstitutional under the Oregon Constitution. Consequently, where the law allows the public to speak, the council must take extreme caution to not take action that limits what the person is allowed to say.

### B. Time, Place and Manner Restrictions

Under the federal constitution, it is clear that city councils may impose content neutral time, place and manner restrictions. Time, place and manner restrictions are simply that: a rule regulating the specific time in which a person may speak, the location from which a person can speak, and the manner in which the speech can be made. For example, a city council may choose to limit public comment to certain points in a proceeding and (subject to any state law) limit the amount of time a person may speak. For example, a rule that “the public may provide testimony only during that time noted as ‘Public Comment’ on the agenda, with said testimony being provided from the designated podium, and shall be limited to no more than three minutes per speaker” has been upheld by the Oregon Court of Appeals and the Ninth Circuit Court of Appeals.

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<sup>2</sup> *Walsh v Enge*, 154 F Supp 1113, 1119 (D Oregon 2015) (quoting, *N.Y. Times Co. v Sullivan*, 376 US 254, 270, 84 S Ct 710, 11 L Ed2d 686 (1964)).

<sup>3</sup> *White v City of Norwalk*, 900 F2d 141, 1425 (9<sup>th</sup> Cir 1990).

<sup>4</sup> *Walsh* at 1119.

The more difficult part for governing bodies in controlling people's speech during public meetings is ensuring that the control measures imposed are both viewpoint neutral and enforced consistently and equally to all speakers. A measure which "serves purposes unrelated to the content of expression and only incidentally burdens some speakers, messages, or viewpoints" is considered viewpoint neutral.<sup>5</sup> For example, the court has noted that requiring a member of the public to limit his or her testimony to the topic presently being discussed by the overall governing body is an acceptable viewpoint neutral regulation.

### C. Removing Disruptive People from Public Meetings

Disruptive people can be removed from public meetings (public officials often refer to this removal as "trespassing"). However, the person must actually be disrupting the meeting. The Ninth Circuit has specifically stated, "Actual disruption means actual disruption. It does not mean constructive disruption, technical disruption, virtual disruption, *nunc pro tunc* disruption, or imaginary disruption."<sup>6</sup> A *nunc pro tunc* disruption is one where the speech could cause a disruption after the fact.

To that end, individuals who refuse to sit down when their allotted speaking time has ended can be removed from the public meeting. Persons who interrupt a meeting's proceeding by repeatedly shouting out and yelling can also be removed. Even individuals located in a different room than an actual public meeting who are protesting so loudly that it interferes with the meeting can be removed from the area. On the other hand, a person who rolls his or her eyes, repeatedly sighs, shakes their head or guffaws is probably not actually interrupting the meeting. A person who is merely a distraction is not necessarily an actual disruption, and thus, should be ignored.

Because the requirement is that an actual disruption of the proceedings occur, it is not appropriate to remove a person because of some type of symbolic expression that does not interrupt or halt the meeting itself. For example, the Ninth Circuit found that while a person giving a Nazi salute may be offensive, giving the salute did not interfere with or interrupt the public meeting itself. And because the actual meeting was not interfered with by the salute, the removal of the person giving the salute from the meeting amounted to "viewpoint discrimination" by the governing body. Having a person removed from a public meeting because his view on a matter is offensive to some or all of the other people in attendance at the meeting is not legally permissible.

The Nazi salute case is one to be particularly cognizant of because it is applicable to audience members. The federal courts recognize that audience members in limited public forums (like city council meetings) are "subject to the same constitutional rules that apply to those addressing the chamber."<sup>7</sup> In practice, this means that audience members who wear clothing that may generally be described as offensive, who make what is commonly thought of as crude or

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<sup>5</sup> *Alpha Delta Chi-Delta Chapter v Reed*, 648 F3d 790, 800 (9<sup>th</sup> Cir 2011) (quoting, in part, *Ward v Rock Against Racism*, 491 US 781, 791, 109 S Ct 2746, 105 L Ed2d 661 (1989)).

<sup>6</sup> *Norse v City of Santa Cruz*, 629 F3d 966, 976 (9<sup>th</sup> Cir 2010).

<sup>7</sup> *Reza v Pearce*, 806 F3d 497, 505 (9<sup>th</sup> Cir 2015).

inappropriate hand gestures, and in some instances (absent a rule or ordinance prohibiting otherwise) passively hold signs or symbols that some find distasteful, may only be removed from the public meeting if those actions truly impede the public body's ability to conduct the meeting.

#### D. Suspending Disruptive Persons from Future Public Meetings

It is not uncommon for a person desiring to make their point to cause several disruptions at the same meeting or over a series of meetings. The constant disruption of public meetings by the same person, despite repeated warnings and removals, often leads public officials to consider suspending the person from future public meetings (otherwise known as issuing a trespass order). While the temptation to bar a disruptive person from future meetings is great, the legal ability to do so is questionable.

Two relatively recent federal court opinions held that prohibiting a disruptive person from attending future meetings, and from entering the entirety of a government facility, is not permitted under the First Amendment to the U.S. Constitution. The federal district court for Oregon specifically held in *Enge v. City of Portland* that a government may not “prospectively exclude individuals from future public meetings merely because they have been disruptive in the past.” In a separate decision, *Reza v. Pearce*, the Ninth Circuit Court of Appeals ruled that “imposing a complete ban” on a person’s entry into a government building “clearly exceeds the bounds of reasonableness” established under First Amendment jurisprudence. Both decisions are explained below more fully.

##### 1. *Enge v. City of Portland*

In the *Enge* case, the city of Portland’s municipal code permitted the city to indefinitely suspend a person from city hall and the city council’s chambers if the person disrupted a city council meeting. During a city council meeting, Mr. Walsh raised his voice and interrupted the meeting to the point that he was asked to leave by the mayor. After the meeting concluded, Mr. Walsh received a notice of exclusion from the city which prohibited him from attending any city council meeting or appearing in city hall for a period of 60 days.

The Oregon District Court found that the Portland ordinance violated the First Amendment to the U.S. Constitution. In its decision, the court noted that if Portland’s ordinance was permitted to stand, it could “lead to officials shutting the government’s doors to those whose viewpoints the government finds annoying, distasteful, or unpopular. Permanent or even lengthy exclusions for past disruptive behavior conduct could become a convenient guise for censoring criticism directed toward the powerful. The First Amendment’s guarantees, although not absolute, are not so flimsy.”<sup>8</sup>

In issuing its ruling, the Oregon District Court noted that the suspension from future meetings was not reasonable under First Amendment jurisprudence. In order for the ordinance to have been found reasonable, the ordinance would need to fulfill a legitimate need. Portland argued that the ordinance was needed for two reasons. First, the ordinance was necessary to protect the public’s safety. Second, even though Mr. Walsh was prohibited from attending city council

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<sup>8</sup> *Walsh* at 1119.

meetings, he had ample alternatives to communicate his concerns with Portland's governing leaders. Neither of Portland's arguments were held to be valid by the court.

The court noted that while public safety is a legitimate concern and could potentially allow for a person to be prospectively banned from attending a city council meeting, there was nothing in the record that showed that Mr. Walsh himself was a threat to any person. "Mere speculation that some persons may make others feel unsafe or engage in additional disruptions is an insufficient basis upon which to erect a governmental power to bar those who wish to express their views from participating in public debate."<sup>9</sup> The court was particularly insistent that if Mr. Walsh was disruptive in the future, he could simply be escorted out of the meeting.

In addition, the court found that Portland's ordinance did not provide Mr. Walsh with any reasonable alternatives to voice his concerns about public matters. The court appears to recognize that there is a fundamental difference between making a verbal statement at a city council meeting on a matter of public concern and sending in a letter. In its holding the court stated, "prospective exclusions defeat the very purpose of the forum: to provide the opportunity for discourse on public matters."<sup>10</sup>

## **2. *Reza v. Pearce***

In this case, Arizona State Senator Pearce issued an order barring Mr. Reza from the state Capitol because he had previously been disruptive during a hearing chaired by Senator Pearce on an omnibus immigration bill. In addition to barring Mr. Reza from the Capitol, Senator Pearce adopted a new rule which required individuals who disrupted the Senate's proceedings from being excluded from the Capitol for two weeks for a first offense and for 60 days for any subsequent offenses. When Mr. Reza attempted to enter the Capitol to attend a previously-scheduled meeting with another senator to discuss obtaining permits for a protest, he was refused entry to the building.

The Ninth Circuit specifically held that banishment from the state Capitol was unreasonable under the First Amendment. In the opinion, the court specifically notes that the ban at issue excluded Mr. Reza "from all future hearings on any subject, based on the purported fear that he could be disruptive in the future".<sup>11</sup> The court additionally noted that the ban prevented Mr. Reza from "visiting his elected representatives to urge legislative action on any subject."<sup>12</sup> And while the court noted that public safety can be a reasonable ground to deny entry to a public building, there was no real threat to public safety established in the case, and the ban was therefore not reasonable.

## **3. *Public Safety Exception***

In both of the appellate cases described above, the courts reference that public safety concerns may be a legitimate reason to prospectively prohibit a person from entering and participating in a public meeting. But in both cases, the court found no real threat to public safety. These cases

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<sup>9</sup> *Walsh* at 1132.

<sup>10</sup> *Walsh* at 1133.

<sup>11</sup> *Reza* at 507.

<sup>12</sup> *Id.*

leave open the possibility that if a city council establishes that a real threat to public safety exists, it may be able to prospectively prohibit a person from attending a future public meeting. However, as there is no decision on point, it is reasonable to assume that any such suspension should be significantly limited in duration.

After conferring with legal counsel, if a city determines that a person should be prospectively prohibited from entering and participating in a public meeting, the attached Appendix A, entitled “Notice of Exclusion,” may be used as starting point in drafting an appropriate exclusion order. Any such notice of exclusion must be carefully crafted to ensure that the following occurs: (1) definitive evidence of a threat to public safety is established; (2) the subject of the order is provided appropriate due process; and (3) the subject of the order is given an opportunity to appeal the notice.

## E. Arresting Individuals Who Disrupt Public Meetings

Having a disruptive person removed from a public meeting often results in the person simultaneously being arrested for disorderly conduct. Oregon has two criminal statutes related to disorderly conduct, one pertaining to disorderly conduct in the first degree, the other pertaining to conduct in the second degree. Both statutes generally prohibit a person, in relevant context to this discussion, “with intent to cause public inconvenience, annoyance or alarm,” or creating a risk thereof, from: engaging in violent or threatening behavior; making unreasonable noise; or disturbing lawful assemblies. The fundamental purpose behind both disorderly conduct statutes is “to protect the general public from conduct that threatens to erode the community’s sense of safety and security.”<sup>13</sup>

Individuals have challenged the validity of the disorderly conduct statutes on the basis that they violate a person’s right of free speech and expression under Article 1, Section 8 of the Oregon Constitution. The Oregon Court of Appeals has determined that this type of constitutional challenge to the disorderly conduct statutes requires a court to determine if an arrest for disorderly conduct “had as its objective the prevention of some harm within its power to prevent or whether its objective was to prevent protected speech.”<sup>14</sup>

In *State v Rich*, a defense attorney was arrested outside of a courtroom for disorderly conduct when he yelled at a police officer for more than a minute. The yelling was so loud that it could be heard outside in a hallway and in offices that opened to the hallway. At least some employees of the courthouse indicated the yelling was so loud it stopped them from working. The defense attorney argued that his arrest for disorderly conduct violated Article 1, Section 8 of the Oregon Constitution in that he was arrested because the officer did not like the words he was yelling (the defense attorney was using profane language).

After reviewing the matter, the Court of Appeals determined that the defendant was not arrested because of the words he was uttering, but rather, as a result of the volume at which he was uttering those words. Finding that the basis of the disorderly conduct arrest was “the speech’s

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<sup>13</sup> ORS 166.023 and 166.025.

<sup>14</sup> *State v Rich*, 218 OR App 642, 647, 180 P3d 744, 747 (2008).



noncommunicative elements,” the court found that the arrest was proper and Constitutional. It was the volume of the speech and the effect it had on the public (causing work to cease) that caused the disorderly conduct, not the words themselves.

When a person is arrested at a public meeting for disorderly conduct, it should be clear that the person is not only disrupting the meeting from occurring, but that the person’s behavior (and not the words being used) is what is eroding the public’s sense of safety and security.

## Conclusion

Public officials do not have to allow people to disrupt or derail their ability to conduct the people’s business. It is perfectly acceptable for a governing body to establish rules that dictate when public comment can be made, how long the public comment can be given, and the topic that the public comment must surround. Governing bodies are also permitted the right to remove any person from a public meeting when that person actually disrupts the meeting. If a person’s disruption of a meeting is so deleterious that it threatens the safety and security of the public, the governing body can request that the person in question be arrested for disorderly conduct. And while public officials may wish to prospectively ban consistently disruptive people from future meetings, officials are warned that the only time such an action may even be legally permissible is if the officials can prove that the disruptive people proves to be an actual threat to the public safety—and even then, a limited suspension is perhaps most prudent. As a general rule, cities should utilize the least restrictive option to a disruptive citizen’s rights when trying to regain and retain order of a public meeting.

## APPENDIX A

### NOTICE OF EXCLUSION

Dear [SIR/MADAM]:

You are hereby excluded from the following property: [LOCATION/ADDRESS] (“property”).

This letter is to inform you of the conditions and processes associated with your Notice of Exclusion. This exclusion is effective as of [DATE TRESPASSED]. You are prohibited from entering the property for a period of [LENGTH OF EXCLUSION/HOURS/EVENT].

In order to facilitate necessary actions or protected activities, you may be permitted upon prior approval to enter the property by giving at least one-day advance notice to [EXCLUDING AUTHORITY]. This Notice of Exclusion is given pursuant to ORS 164.245, as well as [MUNICIPAL/COUNTY CODE §]. Your entry upon the property without express permission may result in adverse consequences including, but not limited to, initiation of civil or criminal proceedings against you.

Should you feel this Notice of Exclusion has been made in error, or you desire to contest this Notice of Exclusion, an appeal may be made to the Municipal Court pursuant to [MUNICIPAL CODE §] by filing a notice of appeal within \_\_\_\_ days of your receipt of this Notice of Exclusion. The exclusion from the property shall remain in effect pending your appeal. On appeal, evidence may be offered and arguments made before an impartial hearings officer. You are not entitled to court appointed counsel at that appeal, however, you may retain counsel at your own expense.

Should you choose to not to appeal, this exclusion will expire by its own terms on [DATE EXCLUSION ENDS].

Sincerely,

[Signed by Person Authorized to Issue]

# CITY OF STAYTON CHARTER

Effective January 1, 2018

*This is a true and certified copy of the 2018 City of Stayton Charter as approved by voters on November 7, 2017.*



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Keith D. Campbell, City Manager

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## **PREAMBLE**

**W**e, the voters of Stayton, Oregon, exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

## **CHAPTER I - NAMES AND BOUNDARIES**

SECTION 1. TITLE. This charter may be referred to as the 2018 City of Stayton Charter.

SECTION 2. NAME. The City of Stayton, Oregon, continues as a municipal corporation with the name City of Stayton.

SECTION 3. BOUNDARIES. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of its boundaries.

SECTION 4. ANNEXATIONS. Annexations over three acres not required by state law must be approved by city voters before the annexations take effect.

## **CHAPTER II - POWERS**

SECTION 5. POWERS. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

SECTION 6. CONSTRUCTION. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

SECTION 7. DISTRIBUTION. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

## **CHAPTER III - ELECTED OFFICIALS**

SECTION 8. COUNCIL. The council consists of five councilors nominated and elected from the city at large.

SECTION 9. MAYOR. The mayor presides over and facilitates council meetings, preserves order, enforces council rules and determines the order of business under council rules. The mayor is not a member of the council and has no vote unless there is a tie vote. The mayor has authority to require the council to reconsider ordinances. The mayor appoints members of commissions and committees established by ordinance or resolution with the approval of a majority vote of the council. The mayor must sign all records of council decisions and as authorized by rule, unless otherwise provided in this Charter. The mayor serves as the political head of the city government.

SECTION 10. COUNCIL PRESIDENT. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties, including signing records of council decisions and as authorized by rule. When acting as mayor the president retains a vote, but does not have a tie vote or authority to require reconsideration of ordinances.

SECTION 11. RULES. The council must adopt by resolution rules to govern its meetings and proceedings.

SECTION 12. MEETINGS. The council must meet at least once a month at a time and place designated by council rules, and may meet at other times in accordance with the rules.

SECTION 13. QUORUM. Three or more council members are a quorum to conduct business, but two members may meet and compel attendance of absent members as prescribed by council rules.

SECTION 14. VOTE REQUIRED. The express approval of a majority of a quorum of the council is necessary for any council decision, except when this charter requires approval by a majority of the council.

SECTION 15. RECORD. A record of council meetings must be kept in a manner prescribed by the council rules.



## **CHAPTER IV - LEGISLATIVE AUTHORITY**

SECTION 16. ORDINANCES. The council will exercise its legislative authority by enacting ordinances. The enacting clause for all ordinances must state "The City of Stayton ordains:"

SECTION 17. ORDINANCE ENACTMENT.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.
- (b) The council may enact an ordinance at a single meeting by the unanimous approval of the councilors in attendance, provided the proposed ordinance is available to the public at least seven days before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council enacts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each councilor must be entered into the council minutes.
- (e) When an ordinance is passed, the City Recorder shall endorse it with the date of its passage, his/her name and title of office; and within three day thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
- (f) If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the mayor does not so return it, such ordinance shall become law as enacted.
- (g) Upon the first regular meeting of the council after the demand for reconsideration by the mayor, the council must consider the reasons provided by the mayor and vote on the ordinance. If at least three councilors vote to enact the ordinance, it shall become law. If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become law.

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30<sup>th</sup> day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause.

## **CHAPTER V - ADMINISTRATIVE AUTHORITY**

SECTION 19. RESOLUTIONS. The council will normally exercise its administrative authority by adopting resolutions. The adopting clause for resolutions must state "The City of Stayton resolves:"

SECTION 20. RESOLUTION ADOPTION.

- (a) Adoption of a resolution or any other council administrative decision requires approval by the council at one meeting.
- (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
- (c) After adoption of a resolution or other administrative decision, the vote of each councilor must be entered into the council minutes.
- (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption.

SECTION 21. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution.

## **CHAPTER VI - QUASI-JUDICIAL AUTHORITY**

SECTION 22. ORDERS. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Stayton orders:"

SECTION 23. ORDER APPROVAL.

- (a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.
- (b) Any substantive amendment to a proposed order must be read aloud or made available in writing to the public at the meeting before the council approves the order.
- (c) After approval of an order or other council quasi-judicial decision, the vote of each councilor must be entered in the council minutes.
- (d) After approval of an order, the city recorder must attest to the order by name, title and date of adoption.

SECTION 24. EFFECTIVE DATE. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later date provided in the order.

## CHAPTER VII - ELECTIONS

SECTION 25. COUNCILORS. The term of a councilor when this charter is adopted is the term for which the councilor was elected. At the first general election after the adoption, three councilors will be elected for four-year terms. At the following general election, two councilors will be elected for four-year terms. This cycle of electing councilors will continue at following general elections.

SECTION 26. MAYOR. The term of the Mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term. A mayor may serve no more than two consecutive elected four-year terms.

SECTION 27. STATE LAW. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

SECTION 28. QUALIFICATIONS.

- (a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.
- (b) No person may be a candidate at a single election for more than one city office.
- (c) Neither the mayor nor a councilor may be employed by the city.
- (d) The council is the final judge of the election and qualifications of elected officials.

SECTION 29. NOMINATIONS. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a councilor position.

SECTION 30. TERMS. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

SECTION 31. OATH. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon; and support the charter, ordinances, resolutions, and municipal code of the city.

SECTION 32. VACANCIES. Office of the mayor or councilor becomes vacant:

- (a) Upon the incumbent's:

- (1) Death,

- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the council after the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
- (2) Absence from the city for 30 days, or from all council meetings within a 60-day period without consent from the council;
- (3) Ceasing to reside in the city;
- (4) Ceasing to be a qualified elector under state law;
- (5) Conviction of a public offense punishable by loss of liberty;
- (6) Resignation from the office; or
- (7) Violation of Section 34(d).

SECTION 33. FILLING VACANCIES. A vacancy in the office of mayor will be filled by a majority of the council. A councilor vacancy will be filled by appointment by the mayor with the consent of the council. The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, the mayor with the consent of the council may appoint a councilor pro tem.

## **CHAPTER VIII - APPOINTIVE OFFICERS**

### **SECTION 34. CITY MANAGER.**

- (a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies set by ordinances and resolutions.
- (b) The mayor must appoint and may remove the manager only with the consent of the majority of the existing council members. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
- (c) The duties of the city manager must be set by ordinance.
- (d) The mayor and councilors may not directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

**SECTION 35. CITY ATTORNEY.** The office of city attorney is established as the chief legal officer of the city government. The mayor must appoint and may remove the city attorney with the consent of the council. The city attorney may designate other lawyers to serve as assistant city attorneys or special counsel.

### **SECTION 36. MUNICIPAL COURT AND JUDGE.**

- (a) The mayor may appoint and remove a municipal judge with the consent of the council. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.
- (b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- (c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

- (d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by ordinances. The court also has jurisdiction under state law unless limited by city ordinance.
- (e) The municipal judge may:
- (1) Render judgments and impose sanctions on persons and property;
  - (2) Order the arrest of anyone accused of an offense against the city;
  - (3) Commit to jail or admit to bail anyone accused of a city offense;
  - (4) Issue and compel obedience to subpoenas;
  - (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
  - (6) Penalize contempt of court;
  - (7) Issue processes necessary to enforce judgments and orders of the court;
  - (8) Issue search warrants; and
  - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The mayor may appoint and may remove municipal judges pro tem with the consent of the council.
- (g) The council may transfer some or all of the functions of the municipal court to a state court.

## **CHAPTER IX - PERSONNEL**

SECTION 37. PERSONNEL RULES. The council by resolution will adopt rules governing compensation, recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.



## **CHAPTER X - MISCELLANEOUS PROVISIONS**

SECTION 38. DEBT. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

SECTION 39 ORDINANCE CONTINUATION. All ordinances, Stayton Municipal Code, resolutions, orders and rules in force and consistent with this charter when it takes effect remain in effect until amended or repealed.

SECTION 40. REPEAL. All charter provisions adopted before this charter takes effect are repealed.

SECTION 41. SEVERABILITY. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other term of this charter.

SECTION 42. TIME OF EFFECT. This charter takes effect January 1, 2018.

# **EXHIBIT A**

**Resolution No. 5355-18**



# **CITY OF TUALATIN COUNCIL RULES**

**Adopted**

**February 12, 2018**

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# **RULE 1**

## **General Governance**

### **A. Rules of Procedure.**

1. Chapter IV of the Charter authorizes the Council to adopt rules of procedure for Council meetings.<sup>1</sup> Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11th Edition.
2. To maintain orderly procedures, members of Council should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate. Members of Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public.
3. Whenever these rules and Robert's Rules of Order conflict, these rules govern.

**B. Council.** The members of Council are the Mayor and the Councilors.<sup>2</sup> There are six Councilor positions.<sup>3</sup>

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

### **C. Quorum.**

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.<sup>4</sup>

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<sup>1</sup> Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings”).

<sup>2</sup> Charter Sections 7 (Council); 8 (Councilors); 8a (Assignment of Council Positions); 9 (Mayor) (describing Council, Mayor, and powers).

<sup>3</sup> Charter Section 8a (Assignment of Council positions).

<sup>4</sup> Charter Section 14, (“Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.”).

2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

#### **D. Presiding Officer.**

1. The Mayor is the Presiding Officer and presides over all meetings.<sup>5</sup>
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the Presiding Officer and presides over the meeting.<sup>6</sup>
3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure may be utilized to determine the Presiding Officer for the meeting:<sup>7</sup>
  - a. Any member of Council present at a meeting may call the Council to order.
  - b. Those members of Council present must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the incumbent members on the Council to become the Presiding Officer for the meeting.
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

#### **E. Other Officers.**

1. **City Recorder.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and to assist in answering questions. The City Manager may participate in any discussion, when recognized by the presiding officer. However, the City Manager has no authority to vote on any decision rendered by the Council.<sup>8</sup>

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<sup>5</sup> Charter Section 17 (Mayor's Functions at Council Meetings) ("The Mayor shall be chair of the Council and preside over its deliberations.").

<sup>6</sup> Charter Section 18 (President of the Council) ("In the Mayor's absence from a Council meeting, the president shall preside over it as Mayor pro tem.").

<sup>7</sup> Charter Section 33 (Filling of Vacancies) (authorizes the Council to fill temporary vacancies by majority vote of the "incumbent members.") The term "incumbent members" in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 "incumbent members" of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 "incumbent members." The term "incumbent members" does not mean a majority of those Councilors actually attending the meeting.

<sup>8</sup> Charter Sections 20a (City Manager) ("attend all meetings of the Council, unless excused

3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

## **F. Agendas.<sup>9</sup>**

1. The City Manager must prepare an agenda for every meeting, including regular, special, and executive session meetings.
2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.
4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the member of Council present at the meeting.
7. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

## **G. Order of Business.**

1. The Mayor, or Mayor pro tem, as the presiding officer has the authority to determine the order of business at any meeting of the Council.
2. The order of business for all regular meetings will generally be as follows:<sup>10</sup>

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therefrom"); Section 22 (Recorder). The person appointed as City Manager is also the same person appointed as the Recorder.

<sup>9</sup> An agenda is required by ORS 192.640 (Oregon Public Meetings Law) (public notice of a meeting must include "[a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.]")

<sup>10</sup> Charter Section 17 (Mayor's Functions at Council Meetings) (the Mayor is to "determine the order

- a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;
- b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
- c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
- d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
- e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
- f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;
- g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
- h. **General Business.** Consideration of ordinances, resolutions, contracts, policy statements, and other items. General Business items may also include public hearings on those matters.
- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

#### **H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.**

- 1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
- 2. When appropriate, reports to the Council should include written materials which are provided to the Council at least seven (7) days in advance of the meeting.
- 3. Oral reports to the Council should generally not exceed five (5) minutes in length.
- 4. The Council may ask questions of the presenter upon conclusion of the report being given.

#### **I. Public Comment.**

- 1. One (1) period for public comment will be reserved for every regular meeting of the Council.

2. Persons wishing to speak during public comment should sign the “Speaker Request Form” and provide the person’s name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
5. Before providing any public comment, speakers must announce the person’s name and place of residence to the Council.
6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council should not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing it on a future agenda. Any member of Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

#### **J. Consent Agenda.**

1. In order to expedite the Council’s business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed.
4. Appointments to committees must not be placed on the consent agenda.

#### **K. Ordinances and Resolutions – See RULE 3**

#### **L. Public Hearings Generally.**

1. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.



2. Persons wishing to speak should sign the “Speaker Request Form” with the person’s name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person’s name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council should use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony by having all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer should announce any such restrictions prior to the commencement of the testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
  - a. Initiate deliberations by introducing a motion on the matter;
  - b. Continue the hearing; or
  - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.

12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

**M. Conduct of Hearings on Land Use Matters – See RULE 4**

## RULE 2

### Meeting Time, Location, and Frequency

**A. Regular Meetings.** The Council will generally hold regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.<sup>11</sup>

**B. Special Meetings.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.<sup>12</sup>

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

**C. Emergency Meetings.** Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.<sup>13</sup>

1. The City Manager will provide notice of the emergency meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.

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<sup>11</sup> Charter Section 13 (Meetings) ("The Council shall hold a regular meeting at least once a month in the City at a time and a place which is designated."); Tualatin Municipal Code 1-04 (setting forth specific times of meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>12</sup> Charter Section 13 (Meetings) ("The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council in accordance with procedures prescribed by the state law and general ordinance. Special meetings of the Council may also be held by the common consent of all the members of the Council in accordance with procedures prescribed by state law and general ordinance."); Tualatin Municipal Code 1-04 (48 hours' notice requirement for Special Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>13</sup> Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

4. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.

**D. Executive Sessions.** Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.<sup>14</sup>

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
  - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
  - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).
  - c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e)).
  - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
  - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
  - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report on the issues discussed in executive session.
4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

**E. Work Sessions.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.<sup>15</sup>

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<sup>14</sup> Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>15</sup> Charter Section 13 (Meetings); TMC 1-4-020 ("A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting."); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.
6. At any work session or regular meeting, a member of Council may request an item be placed on a work session agenda. A majority vote of the Council members present is required to place the item on a future work session agenda.

#### **F. Location of Meetings.**<sup>16</sup>

1. Council meetings must be held at City Hall.
2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
4. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
5. No Council meeting must be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**G. Notice of Meetings.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law and City codes.<sup>17</sup>

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<sup>16</sup> This section sets forth the requirements for public meetings locations as contained in ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>17</sup> Tualatin Municipal Code Chapter 1-04 (48 hours' notice for meetings); ORS 192.610 to 192.690 (Oregon Public Meetings Law).

## **H. Attendance at Meetings.**

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.<sup>18</sup>
2. It is the responsibility of each members of Council to advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees. The member of Council should communicate the absence to the City Manager as soon as reasonably practicable under the circumstances.
3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard.<sup>19</sup> The preference of the Council is for all members of Council to attend in person.
4. A member of Council should not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, should remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.

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<sup>18</sup> Charter Section 32 (What Creates Vacancy) (vacancy created "upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy.")

<sup>19</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law) requires the public to have the opportunity to hear the proceedings of a meeting.

## **RULE 3**

### **Ordinances and Resolutions**

**A. Ordinances.** An ordinance is a law passed by the Council in its legislative capacity.

#### **1. Introduction.**

- a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
- b. After introduction, the Council may direct by majority vote of the members present any of the following:<sup>20</sup>
  1. A public hearing on the ordinance be held;
  2. Refer the ordinance to committee for review and recommendation;
  3. Refer the ordinance to the City Manager for further revision;
  4. Pass the ordinance to a second reading; or
  5. Reject the ordinance in whole or in part.

#### **2. Readings and Final Action.**

- a. Every ordinance of the Council must, before final passage, be read fully and distinctly in an open Council meeting on two different days.<sup>21</sup>
- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance must be read first in full and then by title.<sup>22</sup>
- c. Any of the readings may be by title only, instead of a full reading, if:<sup>23</sup>
  1. No Council member present at the meeting requests to have the ordinance read in full; or

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<sup>20</sup> Charter Section 19 (Vote Required) Charter Section 35 (Mode of Enactment).

<sup>21</sup> Charter Section 35 (Mode of Enactment).

<sup>22</sup> Charter Section 35 (Mode of Enactment).

<sup>23</sup> Charter Section 35 (Mode of Enactment).

2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.<sup>24</sup>
- e. The City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on an ordinance and the ayes and nays and abstentions of the members of Council must be recorded in the meeting minutes.<sup>25</sup>

**B. Resolutions.** A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

### 1. Introduction.

- a. Resolutions should be introduced by the Presiding Officer.
- b. After introduction of the resolution, the Council may direct that:
  1. A public hearing be held on the resolution;
  2. Pass the resolution; or
  3. Reject the resolution in whole or in part.

### 2. Readings and Final Action.

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.<sup>26</sup>

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<sup>24</sup> Charter Section 35 (Mode of Enactment).

<sup>25</sup> Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); Charter Section 15 (Journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

<sup>26</sup> Charter Section 19 (Vote Required) (“ Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)



- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. For resolutions placed on General Business, the City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must recorded in the meeting minutes.<sup>27</sup>

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<sup>27</sup> Charter Section 15 (Journal) (“Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.”); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

## **RULE 4**

### **Land Use Hearings**

#### **A. General Conduct of Hearings.**<sup>28</sup>

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
3. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes.

#### **B. Quasi-Judicial Land Use Matters.**

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
  - a. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
    2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

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<sup>28</sup> State law governs this process. ORS Chapter 197 (Comprehensive Land Use Planning; ORS Chapter 227 (City Planning and Zoning).

### 3. **Ex Parte Contact.**

- a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.
- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

### 4. **Burden of Proof.**

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

### 5. **Hearing Procedures.** The order of hearings in quasi-judicial land use matters is:

- a. **Land Use Hearing Disclosure Statement.** The Presiding Officer must read the land use hearing disclosure statement, which must include:
  - 1. A list of the applicable criteria;
  - 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
  - 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. **Call for Ex Parte Contacts.** The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.

- c. **Call for Abstentions.** The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
- d. **Staff Summary.** Planning staff will present a summary and recommendation concerning the proposal.
- e. **Presentation of the Case.** The presentation of the case will be as follows:
  - 1. Proponent's case.
  - 2. Persons in favor.
  - 3. Persons opposed.
  - 4. Other interested persons.
  - 5. Rebuttal. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- f. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
- g. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- 6. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
- 7. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **C. Legislative Land Use Matters.**

- 1. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  - a. **Call for Abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.

- b. **Staff Summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
- c. **Presentation of the Case.** The presentation of the case will be as follows:
  - 1. Proponent's case.
  - 2. Persons in favor.
  - 3. Persons opposed.
  - 4. Other interested persons.
- d. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
- e. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- f. **Reopening Hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

## **RULE 5**

### **Motions, Debate, Public Comment, and Voting**

**A. Motions.** The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.<sup>29</sup>
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

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<sup>29</sup> Charter Section 19 (Vote Required) ("Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.")

## **B. Motion to Reconsider.**

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

## **C. Debate.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

## **D. Public Comment.**

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided a later time.
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

## **E. Voting.** The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 3 of these Rules.

1. **Reports.** A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>30</sup>

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<sup>30</sup> Charter Section 19 (Vote Required) ("Except as this Charter otherwise provides, the concurrence of  
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2. **Consent Agenda.** The unanimous vote of all members of Council present is required to approve the matters on a consent agenda.
3. **Ordinances.** An ordinance requires a majority of a quorum to pass.<sup>31</sup>
4. **Emergency Clause in Ordinances.** An emergency ordinance requires the unanimous vote of all Council members present.<sup>32</sup>
5. **Resolutions.** A majority of a quorum is required to pass a resolution.<sup>33</sup>
6. **Budget.** The budget requires a majority of a quorum to pass.<sup>34</sup>
7. **Franchise Agreements.** A majority of a quorum is required to pass an ordinance granting a franchise.<sup>35</sup>
8. **Suspension of Rules.** A majority vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.<sup>36</sup>

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a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>31</sup> Charter Section 35 (Mode of Enactment); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>32</sup> Charter Section 35 (Mode of Enactment) (“an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council member present...”); Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

<sup>33</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>34</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>35</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>36</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)



9. **Votes.** All votes must be recorded in the minutes.<sup>37</sup>

10. **Tie Votes.** Tie votes indicate a denial of the motion or proposal.<sup>38</sup>

#### **F. Effective Date.**

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:<sup>39</sup>
  - a. Ordinances making appropriations and the annual tax levy;
  - b. Ordinances relative to local improvements and assessments; and
  - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

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<sup>37</sup> Charter Section 15 (Journal); Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

<sup>38</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>39</sup> Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

## **RULE 6**

### **Minutes**

#### **A. Generally.**<sup>40</sup>

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
  - a. The date, time and place of the meeting;
  - b. The members of the Council present;
  - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - d. The results of all votes and the vote of each member by name;
  - e. The substance of any discussion on any matter; and
  - f. A reference to any document discussed at the meeting.

#### **B. Approval.** The Council must approve all minutes of any meeting.

1. All minutes must be approved within ninety days of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

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<sup>40</sup> Charter Section 15 (Journal) ("The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal."); Charter Section 13 (Meetings); Charter Section 22 (Recorder); see also, ORS 192.610 to 192.690 (Oregon Public Meetings Law).

## RULE 7

### Appointments

**A. Appointments of City Staff.** The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the members of Council present at a meeting.<sup>41 42</sup>

**B. City Manager/Recorder.** The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.<sup>43</sup>

1. **Reviews.** The City Manager is subject to a review by the Council to be generally conducted during the first quarter of the year, in even numbered years.

2. **Removals.** The City Manager may be removed by a majority vote of the entire Council.<sup>44</sup>

**C. Municipal Judge.**

1. **Appointment and Removal.** The Mayor, with the consent of the Council, appoints and may remove the Municipal Judge, including pro tem judges.<sup>45</sup>

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<sup>41</sup> Charter Section 20a (City Manager); Charter Section 21 (Municipal Judge); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

<sup>42</sup> The City Manager has the power to appoint and remove all other City officers under Charter Section 20a (City Manager) (City Manager's power to "appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them....")

<sup>43</sup> Charter Section 20a (City Manager) ("The Manager shall be chosen by the Council...."); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

<sup>44</sup> Charter Section 20a (City Manager) ("The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council."); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

<sup>45</sup> Charter Section 21 (Municipal Judge) ("The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the

2. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge's exercise of judicial authority or discretion.<sup>46</sup>

**D. Council Subcommittees.** Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.<sup>47</sup>

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.<sup>48</sup>
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
  - a. *Council Committee on Advisory Appointments.* The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.

**E. Appointments of Citizen Members to Boards, Commissions and/or Committees.**

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
  - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
  - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.

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Council.”); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”).

<sup>46</sup> Charter Section 21(Municipal Judge); Charter Section 10 (Other Officers).

<sup>47</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>48</sup> Charter Section 20 (Mayor) (“The Mayor shall appoint the committees provided by the rules of the Council and sign all approved records of proceedings of the Council.”)

- c. Upon receiving the recommendation from the CCAA, the Council will place the names for consideration on the regular meeting agenda as a General Business item.
- d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
- e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
- f. All appointments must be by majority vote of the members of Council present.

## **RULE 8**

### **Ethics, Decorum, Outside Statements, and Social Media**

#### **A. Ethics.** <sup>49</sup>

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
  - a. Disclosing confidential information.
  - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - c. Expressing an opinion contrary to the official position of the Council without so saying.
  - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGECE).

#### **B. Decorum.**

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

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<sup>49</sup> ORS Chapter 244 (Government Ethics).

## **C. Statements to the Media and Other Organizations**

1. Representing City. If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.
2. Personal Opinions. If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

## **D. Use of Social Media.**

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.<sup>50</sup>
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.<sup>51</sup>
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
  - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - b. Express an opinion in a manner contrary to Rule 8 (C) (Statements to the Media and Other Organizations) above.

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<sup>50</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>51</sup> ORS 192.410 to 192.505 (Oregon Public Records Law).

## **RULE 9**

### **Interactions with City Staff**

**A. City Staff.** All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.<sup>52</sup>
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager. Councilors may not directly interfere with staff or the City Manager's management of staff.
4. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a Council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

**B. City Attorney.** Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager; or
2. To discuss parliamentary procedures of these Rules.

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<sup>52</sup> Charter Section 20a (City Manager) (“(c) Powers and Duties. The Manager shall: (1) Devote his or her entire time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City. (2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed. (3) Appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them but shall have no control over the judicial activities of the Municipal Judge. (4) Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as the body requests. (5) Supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property.”).



## **RULE 10**

### **Enforcement and Consequences**

**A. Enforcement.** The Council may ensure compliance with City ordinances, charter, and state laws applicable to governing bodies.<sup>53</sup> If a member of Council violates these rules, City ordinances, the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.<sup>54</sup> A majority of the entire Council is required to issue a reprimand.

#### **B. Investigations and Hearings.**

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies has occurred.<sup>55</sup>
2. Before the Council may publicly reprimand or remove a member of Council, the Council must provide the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).<sup>56</sup>
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).<sup>57</sup>

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<sup>53</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>54</sup> Other than for the reasons stated in Charter Section 32 (What Creates Vacancy), an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

<sup>55</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>56</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

<sup>57</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

## **RULE 11**

### **Amendment and Repeal of Council Rules**

**A. Amendment.** These Rules are subject to amendment by the Council.<sup>58</sup>

1. Any proposed amendment to these rules must be listed on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public, except in cases of an emergency.
2. All amendments to these rules require approval by a majority of a quorum of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

**B. Repeal.** These Rules are subject to repeal and replacement by the Council. <sup>59</sup>

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority of a quorum of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

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<sup>58</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

<sup>59</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

## **RULE 12**

### **Finances and Travel Policy**

**A. Financial Statements.** Pursuant to ORS 244.050, members of Councilor are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGE) website on how to file.<sup>60</sup>

**B. Health Insurance.** Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level.
2. Councilors may each receive City health insurance benefits at the single employee level, not to exceed the level offered to City department managers. In lieu of health insurance benefits, Councilors may receive a stipend in an amount determined by the City's health insurance provider (currently CIS), consistent with all plans and requirements of the health insurance provider. Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

**C. Technology Stipend.** Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their terms of office.

**D. Water Bill.** Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

#### **E. Travel Policy.**

1. **Adoption of Reimbursement Rates.** Members of Council may be reimbursed, or may seek an advancement of funds, for normal expenses incurred while carrying out their official duties at the usual and customary rates. Councilors are required to submit receipts and appropriate documentation to the City Manager. Councilors should use prudence in the expenditure of City funds.
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.
3. **Transportation.**
  - a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business- class travel reservations, the member of Council must pay the difference between those rates and the coach rate.
  - b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the midsize rate.

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<sup>60</sup> ORS Chapter 244 (Government Ethics).

- c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.
- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

#### 4. **Parking.**

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for airport travel of more than one day in duration.

#### 5. **Lodging.**

- a. Reimbursement for lodging is authorized when the member of Council's travel requires an overnight accommodation.
- b. Reimbursement will be at the reasonable and customary cost of a single standard room, or at the conference/training rate.
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, personal phone calls, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls and reasonable personal calls will be reimbursed. In-room internet is reimbursable.

#### 6. **Meals.**

- a. The City will pay reasonable and customary meal expenses.
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, reimbursement will generally not be given for that meal without proper cause. Conference "continental" is not considered a meal.
- d. A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

#### 7. **Travel Advances and Reimbursements.**

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.

- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager one week in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
  - 1. A receipt is provided; or
  - 2. The expense report states the amount spent, who was present, and the specific topic or project of discussion.
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

**F. Council Report for Certain Expenses.** Any member of Council requesting reimbursement or advancement for a conference or event is required to give an oral or written report about the conference or event to the Council.

**EXHIBIT A**

**Resolution No. XXX**

**A RESOLUTION ADOPTING RULES OF THE STAYTON CITY COUNCIL**

WHEREAS, Chapter III, Section 11 of the City of Stayton Charter requires the Council must adopt by resolution rules to govern its meetings and proceedings; and

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The Rules of the Stayton City Council appended hereto, designated Exhibit A are hereby adopted.

SECTION 2. Resolution No. 809, Rules of the Stayton City Council, passed on October 15, 2007 is hereby repealed in its entirety.

ADOPTED BY THE STAYTON CITY COUNCIL THIS XX DAY OF XXXX, 2019.

CITY OF STAYTON

Date Signed: \_\_\_\_\_

BY: \_\_\_\_\_  
Henry A. Porter, Mayor

Date Signed: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Keith D. Campbell, City Manager



**RULES OF THE STAYTON CITY COUNCIL**  
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## CHAPTER 1 – GENERAL GOVERNANCE

### I. RULES OF PROCEDURE

- A. Chapter III, Section 11 of the City of Stayton Charter authorizes the Council to adopt rules of procedure for Council meetings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11<sup>th</sup> edition.
- B. To maintain orderly procedures, members of the Council should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before the Council and confuse the public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

**Commented [AA1]:** Borrowed this language from Tualatin.

**Commented [AA2]:** Borrowed this language from Tualatin.

### II. QUORUM

- A. A quorum is required to conduct official City business. Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members.<sup>1</sup>
- B. In the event a quorum is not present, the members of council present shall adjourn the meeting.

**Commented [AA3]:** Alternate language from Tualatin: "In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

### III. PRESIDING OFFICER

- A. The Mayor shall preside over all meetings. The Mayor shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity.
- B. A Council President shall be elected by the City Council at its first regularly scheduled meeting of each calendar year.
- C. In the Mayor's absence, the Council President shall preside over the meeting.
- D. If both the Mayor and the Council President are absent from the meeting, the following procedure may be utilized to determine the Presiding Officer for the meeting:
  - 1. Any member of the Council present at a meeting may call the Council to order.
  - 2. Those members of Council present shall elect, by majority vote, a temporary Presiding Officer for the meeting.
- E. Should either the Mayor or the Council President arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

### IV. OTHER ELECTED AND APPOINTED OFFICERS

<sup>1</sup> City of Stayton Charter, Chapter III, Section 13 – Quorum: "Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members as prescribed by Council Rules.



## EXHIBIT A

- A. **City Recorder.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meeting laws.
- B. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and to assist in answering questions. The City Manager may participate in any discussion, when recognized by the presiding officer. However, the City Manager has no authority to vote on any decision rendered by the Council.
- C. **City Attorney.** The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

### V. AGENDAS

- A. The City Manager shall prepare an agenda for every regular meeting, and, if requested by the Presiding Officer, for every special meeting.
- B. Agendas and informational material for meetings shall be distributed to the Council no less than 3 days preceding the meeting.
- C. No Council approval shall be required for an agenda of any meeting.
- D. The City Manager may place routine items referred by staff on the agenda without Council approval or action.
- E. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal under announcements.
- F. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be place, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
- G. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

**Commented [AA4]:** LOC suggest three days preceeding.

**Commented [AA5]:** Tualatin language

**Commented [AA6]:** Tualatin language

### VI. ORDER OF BUSINESS

- A. The Mayor, or Council President, as the Presiding Officer, has the authority to determine the order of business at any meeting of the Council when it appears to be in the best interest of the public.
- B. The order of business for all regular meetings shall be as follows:
  - 1. Call to Order. The Presiding Officer announces the opening of the meeting and leads the pledge of allegiance.
  - 2. Announcements. Additions to the agenda and declarations of conflict of interest or ex parte communication.
  - 3. Appointments. Mayoral appointments to City's boards, commissions, and committees.

**Commented [AA7]:** Tualatin language. LOC language may be too prohibiting.

## EXHIBIT A

4. Citizen Comments. Public comments received concerning matters not on the agenda for the meeting.
5. Consent Agenda. Routine items to be adopted by one motion of the Council.
6. Public Hearings. Public hearings on legislative or quasi-judicial land use matters, and public hearings on all other matters.
7. General Business. Considerations of ordinances, resolutions, contracts, policy statements, and other items.
8. Communications from Mayor and Councilors. Announcements and information provided by members of the Council.
9. Communication from City Staff. Announcements and information provided by members of City staff.
10. Adjournment. The conclusion of the meeting.

### C. Public Comment

1. One period for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment should fill out a "Request for Recognition" form and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. If a member of the public wishes to speak on an item that is scheduled to be considered under General Business, the speaker must wait until the agenda item is presented by staff. Once staff has provided their report to the Council, there will be a time for public comment prior to the Council beginning deliberations.
5. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
6. Before providing any public comment, speakers must announce the person's name and place of residence at the podium to the Council.
7. Members of the Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council should not respond to comments made during public comment agenda time, except to ask clarifying questions. Any public requests for Council action may be referred to staff. Any member of the Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.

## EXHIBIT A

### D. Consent Agenda

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of the Council by stating which item is to be removed.
4. Appointments to committees must not be placed on the consent agenda.

### E. Public Hearings Generally

1. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak should sign the "Request for Recognition" form with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow-up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council should use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of the Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of the Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony by having all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer should announce any such restrictions prior to the commencement of testimony.

**Commented [AA8]:** Do we want to require everyone to fill out a form - public hearings, general comments

## EXHIBIT A

9. At the end of public testimony and questions of staff, the Council must do one of the following:
    - a. Initiate deliberations by introducing a motion on the matter;
    - b. Continue the hearing; or
    - c. Keep the record open for additional written testimony.
  10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
  11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
  12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1) or as prescribed by law.
- F. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)
- G. Written Communications to Council
1. Unsolicited communications to the Mayor and/or Council concerning matters on the agenda shall be forwarded to the City staff for consideration of inclusion in the agenda packet.
  2. Unsolicited communications to the Mayor and/or Council concerning matters that are not an agenda shall be forwarded to the City staff for consideration of distribution but shall not be included in the agenda packet.
  3. The City Manager, or designee, may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.

## CHAPTER 2 – MEETING TIME, LOCATION, AND FREQUENCY

- I. **REGULAR MEETINGS.** The Council will generally hold regular meetings at 7:00 p.m. on the first and third Monday of each and every month. If a first or third Monday falls on a City-recognized holiday, the meeting will be held on the following business day.
- II. **SPECIAL MEETINGS.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Special meetings must be noticed in accordance with Oregon’s public meetings law, and, at minimum, must be noticed at least 48 hours prior to the meeting taking place.
- III. **EMERGENCY MEETINGS.** Emergency meetings may be called by the Mayor, three members of the Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Emergency meetings are those meetings called with less than 48 hours’ notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.
- IV. **EXECUTIVE SESSIONS.** Executive sessions may be called by the Presiding Officer, by the request of three members of the Council, by the City Manager, or by the City Attorney.
  - A. Executive Sessions may be called for any purpose authorized by ORS 192.660 or as prescribed by law.
  - B. Only members of the Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
  - C. All attendees must be present for the session in person.
  - D. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report on the issues discussed in executive session.
  - E. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.
- V. **WORK SESSIONS.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

## EXHIBIT A

- A. Work sessions are generally scheduled, as needed.
- B. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
- C. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
- D. Work sessions are to be scheduled by the City Manager.
- E. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.
- F. At any work session or regular meeting, a member of Council may request an item be placed on a work session agenda. A majority vote of the Council members present is required to place the item on a future work session agenda.

### VI. LOCATION OF MEETINGS.

- A. Council meetings are held at the Stayton Community Center or other specified location within the jurisdictional limits of the city.
- B. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
- C. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
- D. No Council meeting may be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

### VII. NOTICE OF MEETINGS. The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law.

### VIII. ATTENDANCE AT MEETINGS

- A. A Council position becomes vacant per City of Stayton Charter Chapter VII, Section 32 – Vacancies.
- B. It is the responsibility of each member of the Council to advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees. The member of Council should communicate the absence to the City Manager as soon as reasonably practicable under the circumstances.
- C. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of the Council to attend in person.
- D. A member of Council should not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of the Council appearing by telephone, or other electronic means where the person's voice may be heard, should remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
- E. Remote attendance is not allowed for Executive Sessions.

**Commented [S9]:** Consideration for this should be made for someone who is not present. Rules should not allow remote attendance for Executive Sessions

## CHAPTER 3 – ORDINANCES AND RESOLUTIONS

### I. ORDINANCES

- A. An ordinance is a law passed by the Council in its legislative capacity.
- B. Ordinance Enactment (*City of Stayton Charter Chapter IV, Section 17, enacted January 1, 2018*)

#### SECTION 17. ORDINANCE ENACTMENT.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.
- (b) The council may enact an ordinance at a single meeting by the unanimous approval of the councilors in attendance, provided the proposed ordinance is available to the public at least seven days before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council enacts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each councilor must be entered into the council minutes.
- (e) When an ordinance is passed, the City Recorder shall endorse it with the date of its passage, his/her name and title of office; and within three day thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
- (f) If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the mayor does not so return it, such ordinance shall become law as enacted.
- (g) Upon the first regular meeting of the council after the demand for reconsideration by the mayor, the council must consider the reasons provided by the mayor and vote on the ordinance. If at least three councilors vote to enact the ordinance, it shall become law. If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become law.

- C. Effective Date of Ordinances (*City of Stayton Charter Chapter IV, Section 18, enacted January 1, 2018*)

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30<sup>th</sup> day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause.

## II. RESOLUTIONS

- A. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.
- B. The City Recorder or designee will assign a Resolution Number.
- C. Resolution Adoption (*City of Stayton Charter Chapter V, Section 20, enacted January 1, 2018*)

### SECTION 20. RESOLUTION ADOPTION.

- (a) Adoption of a resolution or any other council administrative decision requires approval by the council at one meeting.
  - (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
  - (c) After adoption of a resolution or other administrative decision, the vote of each councilor must be entered into the council minutes.
  - (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption.
- D. Effective Date of Resolutions (*City of Stayton Charter Chapter V, Section 21, enacted January 1, 2018*)

SECTION 21. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution.



## CHAPTER 4 – LAND USE HEARINGS

### I. GENERAL CONDUCT OF HEARINGS<sup>2</sup>

- A. Any party may speak in person, through an attorney, or elect to have a representative to present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
- C. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
- D. Upon being recognized by the Presiding Officer, any member of Council may question any person who testifies.
- E. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
- F. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must not the numbers of such persons for the record in the minutes.

### II. QUASI-JUDICIAL LAND USE MATTERS

- A. Scope of Review. All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
- B. Conflicts of Interest
  - 1. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter; or
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
- C. Ex Parte Contact
  - 1. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Manager who can refer it to the City Attorney before the meeting.
  - 2. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding (ORS 227.180 or as prescribed

<sup>2</sup> State law governs this process. ORS Chapter 197 – Comprehensive Land Use Planning; ORS Chapter 227 – City Planning and Zoning

## EXHIBIT A

by law). If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

### D. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision of the Council must be based on the applicable standards and criteria set forth in the City of Stayton Municipal Code, the City's Comprehensive Plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
3. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

### E. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

1. **Land Use Hearing Disclosure Statement.** The Presiding Officer must read the land use hearing disclosure statement, which must include:
  - a. A list of the applicable criteria;
  - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision.
  - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. **Call for Ex Parte Contacts.** The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
3. **Call for Abstentions.** The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
4. **Staff Summary.** Planning staff will present a summary and recommendation concerning the proposal.
5. **Presentation of the Case.** The presentation of the case will be as follows:
  - a. Proponent's case.
  - b. Persons in favor.
  - c. Persons opposed.

Commented [AA10]: LOC has time limits

## EXHIBIT A

- d. Other interested persons.
- e. **Rebuttal.** Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- 6. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however the Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of factual evidence, all parties must be afforded an opportunity for rebuttal.
- 7. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- F. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
- G. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### III. LEGISLATIVE LAND USE MATTERS

- A. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  - 1. **Call for Abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
  - 2. **Staff Summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
  - 3. **Presentation of the Case.** The presentation of the case will be as follows:
    - a. Proponent's case.
    - b. Persons in favor.
    - c. Persons opposed.
    - d. Other interested persons.
  - 4. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
  - 5. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
  - 6. **Reopening Hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

Commented [AA11]: LOC has time limits

## EXHIBIT A

### CHAPTER 5 – MOTIONS, DEBATE, PUBLIC COMMENT AND VOTING

**Commented [AA12]:** Current Council Rules are mostly silent on items in this section

#### I. MOTIONS

A. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. Any motion shall be reduced to writing if requested by a member of the Council.
4. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
5. If a motion does not receive a second, it dies.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, and then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

**Commented [AA13]:** Not included in Tualatin's Rules.

#### II. MOTION TO RECONSIDER

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

## EXHIBIT A

### III. DEBATE. The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

### IV. PUBLIC COMMENT

- A. The public is entitled to comment on all matters before the Council that require a vote.
- B. Public comment will occur after the matter up for vote has been presented by City staff and before the Council begins deliberations on the matter.
- C. Each member of the public is entitled to comment on the matter before the Council for three minutes.
- D. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided at a later time.
- E. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.
- F. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

### V. VOTING. The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these rules.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>3</sup>
- B. Consent Agenda. The unanimous vote of all members of the Council present is required to approve the matters on a consent agenda.
- C. Ordinances. An ordinance requires a majority of a quorum to pass.
- D. Emergency Ordinance. An emergency ordinance requires the unanimous vote of all Council members present.
- E. Resolutions. A majority of a quorum is required to pass a resolution.
- F. Budget. The budget requires a majority of a quorum to pass.

**Commented [AA14]:** LOC & Tualatin state "before the Council takes action on the matter." Reasoning for the proposed language is to be specific that public comment on a specific topic should happen prior to the Council beginning their own deliberations in order to allow them to consider the public comments on the topic.

**Commented [AA15]:** LOC rules state 5 minutes; may want to stay consistent with the rest of our rules though.

**Commented [AA16]:** This is Tualatin language. LOC language says, "Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the Council or City staff."

**Commented [AA17]:** These are specific to the Tualatin rules; not in LOC.

<sup>3</sup> City of Stayton Charter, Chapter III, Section 14 – Vote Required: "The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this charter requires approval by a majority of the Council."

## EXHIBIT A

- G. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.
- H. Suspension of Rules. A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the City's charter shall not be suspended or rescinded.
- I. Votes. All votes must be recorded in the minutes.
- J. Tie Votes. The Mayor is not a member of the council and has no vote unless there is a tie vote.<sup>4</sup>

### VI. EFFECTIVE DATE

- A. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
- B. The following shall take effect immediately upon its passage:
  - 1. Ordinance making appropriations and the annual tax levy;
  - 2. Ordinances relative to local improvements and assessments; and
  - 3. Emergency ordinances.
- C. All other ordinances shall take effect 30 days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
- D. The filing of a referendum petition shall suspend the effective date of an ordinance.

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<sup>4</sup> City of Stayton Charter, Chapter III, Section 9 – Mayor: “The Mayor is not a member of the Council and has no vote unless there is a tie vote.”

## CHAPTER 6 – MINUTES

### I. GENERALLY.

- A. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder in accordance with the appropriate record retention schedule.
- B. The minutes must contain the following information:
  - 1. The date, time, and place of the meeting;
  - 2. The members of Council present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The result of all votes;
  - 5. The subject of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting.

### II. APPROVAL

- A. The Council must approve all minutes of any meeting.
- B. All minutes must be approved within ninety days of the meeting having occurred.
- C. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
- D. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – APPOINTMENTS

**I. APPOINTMENTS OF CITY STAFF.** The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the members of Council present at a meeting.

- A. Reviews. Any person appointed by the Council is subject to an annual review by the Council.
- B. Removals. All appointed persons may be removed by a majority vote of the Council.
- C. Interference. The Council may meet with the Charter approved appointed staff, but in no instance shall the Council be permitted to interfere with the exercise of authority or discretion of said appointees.

**II. APPOINTMENTS TO VACANT POSITIONS OF MAYOR AND CITY COUNCIL**

- A. The Stayton City Charter dictates the appointment process for vacant positions.

**III. COUNCIL LIAISONS**

- A. The Mayor shall appoint one or more Council members to serve as a Council Liaison in the categories below. The intent of the liaison positions isn't to prevent a councilmember from being active or engaged in topics or issues that may be outside the focus of their assigned category.
  - 1. Education, Social Services, Governmental Agencies
  - 2. Economic Development and Housing
  - 3. Public Safety and Environmental
  - 4. Community Relations and Outreach
  - 5. Transportation and Infrastructure (or Public Utilities)
  - 6. The Mayor can serve as a Liaison for any committee or group they deem appropriate.

**IV. APPOINTMENTS OF MEMBERS TO BOARDS, COMMISSIONS, AND/OR COMMITTEES**

- A. Unless otherwise mandated by state law, the Mayor may appoint the members of any board, commission or committee with the approval of a majority vote of the Council.
- B. Unless otherwise prohibited by the Council, the Mayor shall have the authority to create and appoint subcommittees of committees authorized by the Council.
- C. Removals. All appointed persons may be removed at the recommendation of the Mayor with approval of the majority of the Council.



## CHAPTER 8 – ETHICS, DECORUM, OUTSIDE STATEMENTS, AND SOCIAL MEDIA

### I. ETHICS

- A. All members of the Council must review and observe the requirements of state ethics laws.
- B. In addition to complying with state ethics law, all members of the Council must refrain from:
  - 1. Disclosing confidential information.
  - 2. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - 3. Expressing an opinion contrary to the official position of the Council without so saying.
  - 4. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - 5. Not profiting from their position on Council in violation of state law.
- C. All ethics complaints received about a Councilor should be provided to the City Manager who will forward them to the Oregon Government Ethics Commission (OGE).

**Commented [AA18]:** Tualatin included a section on Social Media... might be a good idea?

**Commented [AA19]:** Not in LOC, but in Tualatin

**Commented [AA20]:** Not in LOC, but in Tualatin

### II. DECORUM

- A. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
- B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
- C. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of the Council.
- D. All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so may be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of the Council meeting.

**Commented [S21]:** Not in LOC, but in Tualatin. Need to look at 1<sup>st</sup> Amendment Rights

### III. STATEMENTS TO THE MEDIA AND OTHER ORGANIZATIONS

- A. Representing City. If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.
- B. Personal Opinions. If a member of Council, to include the Mayor, appears in the personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor before giving their statement.

#### IV. USE OF SOCIAL MEDIA

- A. Members of the Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon laws as they pertain to public meetings and public records retention schedules.
- B. Under ORS 192.610 or as prescribed by law, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
- C. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the City; relates to an activity, transaction or function of the City; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the City. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
- D. The digital decorum of elected and appointed officials will be governed by the Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Chapter 8, III (Statements to the Media and Other Organizations) above in all social media activities.
- E. City Council members will refrain from posting comments that:
  - 1. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - 2. Express an opinion in a manner contrary to Chapter 8, III (Statements to the Media and Other Organizations) above.

## CHAPTER 9 – INTERACTIONS WITH STAFF AND CITY ATTORNEY

### I. CITY STAFF

- A. All members of the Council must respect the separation between the Council's role and the City Manager's responsibility by:
1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
  2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
  3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex must be directed to the City Manager. Questions sent to staff must be copied to the City Manager. Councilors may not directly interfere with staff or the City Manager's management of staff.
  4. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
  5. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a Council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.
  6. Allegations of misconduct regarding City staff shall be directed to the City Manager.

**Commented [AA22]:** In LOC, not in Tualatin

### II. CITY ATTORNEY

- A. Council members may make requests to the City Attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A Councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the Council.
- B. Allegations of misconduct regarding the City Manager or a City Councilor from a City staff member or City Councilor shall be directed to the City Attorney.

**Commented [S23]:** Not the policy of the current City Attorney. Contact only allowed from City Manager, Mayor, and Council President.

## CHAPTER 10 – ENFORCEMENT AND CONSEQUENCES

### I. ENFORCEMENT

- A. The Council may ensure compliance with City ordinances, Charter, and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, City Charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand. A majority of the entire Council is required to issue a reprimand.

### II. INVESTIGATIONS AND HEARINGS

- A. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b), or as prescribed by law, to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City Charter, or state laws applicable to governing bodies has occurred.
- B. Before the Council may publicly reprimand the Council must provide the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b), or as prescribed by law.
- C. No final action or decision can be made in executive session, as provided by ORS 192.660(6) or as prescribed by law.

### III. REMOVAL

- A. The Mayor and Councilors may not directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the appointment or approval of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Councilors may discuss or suggest anything with the Manager relating to City business.<sup>5</sup>

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<sup>5</sup> City of Stayton Charter Chapter VIII, Section 34(d)

## CHAPTER 11 – AMENDMENT AND REPEAL OF COUNCIL RULES

- I. **AMENDMENT.** These rules are subject to amendment by the Council.
  - A. Any proposed amendment to these rules must be listed on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public, except in cases of an emergency.
  - B. All amendments to these rules require approval by a majority of a quorum of Council.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **REPEAL.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.
  - A. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
  - B. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public.
  - C. Any repeal and replacement of these rules requires approval by a majority of a quorum of Council.
  - D. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

EXHIBIT A

**CHAPTER 12 – FINANCES, EXPENSES, AND TRAINING OPPORTUNITIES**

Commented [AA24]: Appropriate name for this chapter?

I. **FINANCIAL STATEMENTS.** Pursuant to ORS 244.050 or as prescribed by law, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15<sup>th</sup> of each year. For more information, see the Oregon Government Ethics Commission (OGE) website on how to file.

II. **EXPENSES**

Commented [AA25]: In current Council Rules.

A. The Mayor or any City Council member who travels outside Stayton on City business is entitled to receive reimbursement for expenses, which shall be determined as follows:

1. Travel on official business outside Stayton by a single individual may be via public carrier, City-owned vehicle, or private vehicle. If a private vehicle is used, mileage shall be paid at the standard Internal Revenue Service (IRS) mileage rate in effect.
2. City vehicles shall be used for authorized uses and shall absolutely not be used for private purposes.
3. Reimbursement for expenses on official trips shall only be for expenses incurred during the performance of official duty as a City official for the City's benefit. Reasonable meal and lodging expenses may be reimbursed at actual cost upon provision of corresponding receipts to the City Manager. The City shall not reimburse the Mayor or a Councilor for the cost of any alcoholic beverage.

Commented [AA26]: Current has Finance Director

4. The elected official shall submit a signed standard City expense reimbursement request form including copies of all bills, receipts, and/or mileage statements to the City Manager prior to reimbursement.

Commented [AA27]: Current has Finance Director

III. **IN-SERVICE TRAINING AND EDUCATIONAL OPPORTUNITIES**

- A. The City values educational and training opportunities for the Mayor and City Councilors in order that services rendered to the City will be more effective.
- B. The City shall either pay for or reimburse an elected official for the cost of registration, tuition, books, or materials for conferences, conventions, training seminars, or courses directly related to the City service provided that:
  1. Funds for such expenditures are available in the current budget;
  2. The training is germane and directly related to the duties and functions of the elected official;
  3. The individual is not receiving reimbursement from any other source.



**CITY OF STAYTON**  
**M E M O R A N D U M**

**TO:** Mayor Henry A. Porter and the Stayton City Council  
**FROM:** Alissa Angelo, Deputy City Recorder  
Keith Campbell, City Manager  
**DATE:** May 20, 2019  
**SUBJECT:** Stayton City Council Rules Update

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**ISSUE**

Should the Governing Body adopt Resolution No. 987, Rules of the Stayton City Council?

**ENCLOSURE(S)**

- Resolution No. 987, Rules of the Stayton City Council

**BACKGROUND INFORMATION**

In January, Councilmember Quigley asked to review Resolution No. 809, Rules of the Stayton City Council. On April 1<sup>st</sup>, 2019 the City Council adopted the 2019-2023 Stayton City Council Goals which includes a goal to “Complete update of Council Rules.”

At the April 15<sup>th</sup>, 2019 City Council meeting, staff brought forward a draft of proposed Rules of the Stayton City Council for consideration and review. Based on Council discussion at the meeting, a modification was made to Chapter 1.V.B, changing the number of days before a meeting agenda packets will be distributed to Council from 3 days to 5 days. Following the meeting, staff received no other comments or revisions from the Council.

The current City Council Rules were adopted in October of 2007. The best practices and policies of Council Rules have changed significantly since Stayton’s last update. Staff started from scratch using the League of Oregon Cities Model Rules as a baseline for the foundation of best practices. We also chose the City of Tualatin as a benchmark for Council Rules due to their own recent update to their Council rules which were modeled off the League of Oregon Cities Model Rules.

The Council Rules should be mindful and not conflict with the Stayton City Charter. When appropriate, staff has directly copied language from the City Charter and referenced it in the footnotes.

During the Budget Committee process, a stipend for the Mayor and Council was discussed and approved by the Budget Committee. Further discussion included the need for a stipend policy. The Council could choose to incorporate a stipend policy into its Council rules once the budget is adopted, potentially under Chapter 12 – Finances, Expenses, and Training Opportunities.

### **OPTIONS**

At this time staff is bringing forward a proposed draft of Council Rules for adoption. The following options are available to the Council:

- 1) Adopt the proposed Rules of the Stayton City Council as presented.
- 2) Adopt the proposed Rules of the Stayton City Council as amended.
- 3) Schedule a Council work session.

### **MOTION(S)**

- 1) Motion to approve Resolution No. 987, as presented.
- 2) Motion to approve Resolution No. 987, with the following amendments...
- 3) Motion to direct staff to schedule a Council work session.



**Resolution No. 987**

**A RESOLUTION ADOPTING RULES OF THE STAYTON CITY COUNCIL**

WHEREAS, Chapter III, Section 11 of the City of Stayton Charter requires the Council must adopt by resolution rules to govern its meetings and proceedings; and

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The Rules of the Stayton City Council appended hereto, designated Exhibit A are hereby adopted.

SECTION 2. Resolution No. 809, Rules of the Stayton City Council, passed on October 15, 2007 is hereby repealed in its entirety.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 20<sup>TH</sup> DAY OF MAY, 2019.

CITY OF STAYTON

Date Signed: \_\_\_\_\_

BY: \_\_\_\_\_  
Henry A. Porter, Mayor

Date Signed: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Keith D. Campbell, City Manager



## RULES OF THE STAYTON CITY COUNCIL

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## CHAPTER 1 – GENERAL GOVERNANCE

### I. RULES OF PROCEDURE

- A. Chapter III, Section 11 of the City of Stayton Charter authorizes the Council to adopt rules of procedure for Council meetings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11<sup>th</sup> edition.
- B. To maintain orderly procedures, members of the Council should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before the Council and confuse the public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

### II. QUORUM

- A. A quorum is required to conduct official City business. Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members.<sup>1</sup>
- B. In the event a quorum is not present, the members of council present shall adjourn the meeting.

### III. PRESIDING OFFICER

- A. The Mayor shall preside over all meetings. The Mayor shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity.
- B. A Council President shall be elected by the City Council at its first regularly scheduled meeting of each calendar year.
- C. In the Mayor's absence, the Council President shall preside over the meeting.
- D. If both the Mayor and the Council President are absent from the meeting, the following procedure may be utilized to determine the Presiding Officer for the meeting:
  - 1. Any member of the Council present at a meeting may call the Council to order.
  - 2. Those members of Council present shall elect, by majority vote, a temporary Presiding Officer for the meeting.
- E. Should either the Mayor or the Council President arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

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<sup>1</sup> City of Stayton Charter, Chapter III, Section 13 – Quorum: "Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members as prescribed by Council Rules.

#### IV. OTHER ELECTED AND APPOINTED OFFICERS

- A. **City Recorder.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meeting laws.
- B. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and to assist in answering questions. The City Manager may participate in any discussion, when recognized by the presiding officer. However, the City Manager has no authority to vote on any decision rendered by the Council.
- C. **City Attorney.** The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

#### V. AGENDAS

- A. The City Manager shall prepare an agenda for every regular meeting, and, if requested by the Presiding Officer, for every special meeting.
- B. Agendas and informational material for meetings shall be distributed to the Council no less than 5 days preceding the meeting.
- C. No Council approval shall be required for an agenda of any meeting.
- D. The City Manager may place routine items referred by staff on the agenda without Council approval or action.
- E. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal under announcements.
- F. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
- G. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

#### VI. ORDER OF BUSINESS

- A. The Mayor, or Council President, as the Presiding Officer, has the authority to determine the order of business at any meeting of the Council when it appears to be in the best interest of the public.
- B. The order of business for all regular meetings shall be as follows:
  - 1. Call to Order. The Presiding Officer announces the opening of the meeting and leads the pledge of allegiance.
  - 2. Announcements. Additions to the agenda and declarations of conflict of interest or ex parte communication.

3. Appointments. Mayoral appointments to City's boards, commissions, and committees.
4. Citizen Comments. Public comments received concerning matters not on the agenda for the meeting.
5. Consent Agenda. Routine items to be adopted by one motion of the Council.
6. Public Hearings. Public hearings on legislative or quasi-judicial land use matters, and public hearings on all other matters.
7. General Business. Considerations of ordinances, resolutions, contracts, policy statements, and other items.
8. Communications from Mayor and Councilors. Announcements and information provided by members of the Council.
9. Communication from City Staff. Announcements and information provided by members of City staff.
10. Adjournment. The conclusion of the meeting.

C. Public Comment

1. One period for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment should fill out a "Request for Recognition" form and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. If a member of the public wishes to speak on an item that is scheduled to be considered under General Business, the speaker must wait until the agenda item is presented by staff. Once staff has provided their report to the Council, there will be a time for public comment prior to the Council beginning deliberations.
5. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
6. Before providing any public comment, speakers must announce the person's name and place of residence at the podium to the Council.
7. Members of the Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council should not respond to comments made during public comment agenda time, except to ask clarifying questions. Any public requests

for Council action may be referred to staff. Any member of the Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.

**D. Consent Agenda**

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of the Council by stating which item is to be removed.
4. Appointments to committees must not be placed on the consent agenda.

**E. Public Hearings Generally**

1. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak should sign the "Request for Recognition" form with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow-up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council should use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of the Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of the Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony by having all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that

the Presiding Officer should announce any such restrictions prior to the commencement of testimony.

9. At the end of public testimony and questions of staff, the Council must do one of the following:
    - a. Initiate deliberations by introducing a motion on the matter;
    - b. Continue the hearing; or
    - c. Keep the record open for additional written testimony.
  10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
  11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
  12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1) or as prescribed by law.
- F. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)
- G. Written Communications to Council
1. Unsolicited communications to the Mayor and/or Council concerning matters on the agenda shall be forwarded to the City staff for consideration of inclusion in the agenda packet.
  2. Unsolicited communications to the Mayor and/or Council concerning matters that are not an agenda shall be forwarded to the City staff for consideration of distribution but shall not be included in the agenda packet.
  3. The City Manager, or designee, may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.

## CHAPTER 2 – MEETING TIME, LOCATION, AND FREQUENCY

- I. **REGULAR MEETINGS.** The Council will generally hold regular meetings at 7:00 p.m. on the first and third Monday of each and every month. If a first or third Monday falls on a City-recognized holiday, the meeting will be held on the following business day.
- II. **SPECIAL MEETINGS.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Special meetings must be noticed in accordance with Oregon’s public meetings law, and, at minimum, must be noticed at least 48 hours prior to the meeting taking place.
- III. **EMERGENCY MEETINGS.** Emergency meetings may be called by the Mayor, three members of the Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Emergency meetings are those meetings called with less than 48 hours’ notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.
- IV. **EXECUTIVE SESSIONS.** Executive sessions may be called by the Presiding Officer, by the request of three members of the Council, by the City Manager, or by the City Attorney.
  - A. Executive Sessions may be called for any purpose authorized by ORS 192.660 or as prescribed by law.
  - B. Only members of the Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
  - C. All attendees must be present for the session in person.
  - D. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report on the issues discussed in executive session.
  - E. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.
- V. **WORK SESSIONS.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.
  - A. Work sessions are generally scheduled, as needed.



- B. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
- C. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
- D. Work sessions are to be scheduled by the City Manager.
- E. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.
- F. At any work session or regular meeting, a member of Council may request an item be placed on a work session agenda. A majority vote of the Council members present is required to place the item on a future work session agenda.

**VI. LOCATION OF MEETINGS.**

- A. Council meetings are held at the Stayton Community Center or other specified location within the jurisdictional limits of the city.
- B. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
- C. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
- D. No Council meeting may be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**VII. NOTICE OF MEETINGS.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law.

**VIII. ATTENDANCE AT MEETINGS**

- A. A Council position becomes vacant per City of Stayton Charter Chapter VII, Section 32 – Vacancies.
- B. It is the responsibility of each member of the Council to advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees. The member of Council should communicate the absence to the City Manager as soon as reasonably practicable under the circumstances.
- C. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of the Council to attend in person.
- D. A member of Council should not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of the Council appearing by telephone, or other electronic means where the person's voice may be heard, should remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
- E. Remote attendance is not allowed for Executive Sessions.

## CHAPTER 3 – ORDINANCES AND RESOLUTIONS

### I. ORDINANCES

- A. An ordinance is a law passed by the Council in its legislative capacity.
- B. Ordinance Enactment (*City of Stayton Charter Chapter IV, Section 17, enacted January 1, 2018*)

SECTION 17. ORDINANCE ENACTMENT.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.
- (b) The council may enact an ordinance at a single meeting by the unanimous approval of the councilors in attendance, provided the proposed ordinance is available to the public at least seven days before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council enacts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each councilor must be entered into the council minutes.
- (e) When an ordinance is passed, the City Recorder shall endorse it with the date of its passage, his/her name and title of office; and within three day thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
- (f) If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the mayor does not so return it, such ordinance shall become law as enacted.
- (g) Upon the first regular meeting of the council after the demand for reconsideration by the mayor, the council must consider the reasons provided by the mayor and vote on the ordinance. If at least three councilors vote to enact the ordinance, it shall become law. If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become law.

- C. Effective Date of Ordinances (*City of Stayton Charter Chapter IV, Section 18, enacted January 1, 2018*)

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30<sup>th</sup> day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause.

## II. RESOLUTIONS

- A. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.
- B. The City Recorder or designee will assign a Resolution Number.
- C. Resolution Adoption (*City of Stayton Charter Chapter V, Section 20, enacted January 1, 2018*)

### SECTION 20. RESOLUTION ADOPTION.

- (a) Adoption of a resolution or any other council administrative decision requires approval by the council at one meeting.
  - (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
  - (c) After adoption of a resolution or other administrative decision, the vote of each councilor must be entered into the council minutes.
  - (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption.
- D. Effective Date of Resolutions (*City of Stayton Charter Chapter V, Section 21, enacted January 1, 2018*)

SECTION 21. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution.

## CHAPTER 4 – LAND USE HEARINGS

### I. GENERAL CONDUCT OF HEARINGS<sup>2</sup>

- A. Any party may speak in person, through an attorney, or elect to have a representative to present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
- C. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
- D. Upon being recognized by the Presiding Officer, any member of Council may question any person who testifies.
- E. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
- F. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must not the numbers of such persons for the record in the minutes.

### II. QUASI-JUDICIAL LAND USE MATTERS

- A. Scope of Review. All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
- B. Conflicts of Interest
  - 1. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter; or
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
- C. Ex Parte Contact
  - 1. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Manager who can refer it to the City Attorney before the meeting.
  - 2. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding (ORS 227.180 or as prescribed by law). If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

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<sup>2</sup> State law governs this process. ORS Chapter 197 – Comprehensive Land Use Planning; ORS Chapter 227 – City Planning and Zoning

D. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision of the Council must be based on the applicable standards and criteria set forth in the City of Stayton Municipal Code, the City's Comprehensive Plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
3. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

E. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

1. **Land Use Hearing Disclosure Statement.** The Presiding Officer must read the land use hearing disclose statement, which must include:
  - a. A list of the applicable criteria;
  - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision.
  - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. **Call for Ex Parte Contacts.** The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
3. **Call for Abstentions.** The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
4. **Staff Summary.** Planning staff will present a summary and recommendation concerning the proposal.
5. **Presentation of the Case.** The presentation of the case will be as follows:
  - a. Proponent's case.
  - b. Persons in favor.
  - c. Persons opposed.
  - d. Other interested persons.
  - e. Rebuttal. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

6. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however the Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of factual evidence, all parties must be afforded an opportunity for rebuttal.
7. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- F. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
- G. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### III. LEGISLATIVE LAND USE MATTERS

- A. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  1. **Call for Abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
  2. **Staff Summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
  3. **Presentation of the Case.** The presentation of the case will be as follows:
    - a. Proponent's case.
    - b. Persons in favor.
    - c. Persons opposed.
    - d. Other interested persons.
  4. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
  5. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
  6. **Reopening Hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

## CHAPTER 5 – MOTIONS, DEBATE, PUBLIC COMMENT AND VOTING

### I. MOTIONS

#### A. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. Any motion shall be reduced to writing if requested by a member of the Council.
4. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
5. If a motion does not receive a second, it dies.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, and then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

### II. MOTION TO RECONSIDER

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

**III. DEBATE.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

**IV. PUBLIC COMMENT**

- A. The public is entitled to comment on all matters before the Council that require a vote.
- B. Public comment will occur after the matter up for vote has been presented by City staff and before the Council begins deliberations on the matter.
- C. Each member of the public is entitled to comment on the matter before the Council for three minutes.
- D. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided at a later time.
- E. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.
- F. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

**V. VOTING.** The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these rules.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>3</sup>
- B. Consent Agenda. The unanimous vote of all members of the Council present is required to approve the matters on a consent agenda.
- C. Ordinances. An ordinance requires a majority of a quorum to pass.
- D. Emergency Ordinance. An emergency ordinance requires the unanimous vote of all Council members present.
- E. Resolutions. A majority of a quorum is required to pass a resolution.
- F. Budget. The budget requires a majority of a quorum to pass.

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<sup>3</sup> City of Stayton Charter, Chapter III, Section 14 – Vote Required: “The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this charter requires approval by a majority of the Council.”



- G. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.
- H. Suspension of Rules. A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the City's charter shall not be suspended or rescinded.
- I. Votes. All votes must be recorded in the minutes.
- J. Tie Votes. The Mayor is not a member of the council and has no vote unless there is a tie vote. <sup>4</sup>

**VI. EFFECTIVE DATE**

- A. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
- B. The following shall take effect immediately upon its passage:
  - 1. Ordinance making appropriations and the annual tax levy;
  - 2. Ordinances relative to local improvements and assessments; and
  - 3. Emergency ordinances.
- C. All other ordinances shall take effect 30 days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
- D. The filing of a referendum petition shall suspend the effective date of an ordinance.

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<sup>4</sup> City of Stayton Charter, Chapter III, Section 9 – Mayor: “The Mayor is not a member of the Council and has no vote unless there is a tie vote.”

## CHAPTER 6 – MINUTES

### I. GENERALLY.

- A. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder in accordance with the appropriate record retention schedule.
- B. The minutes must contain the following information:
  - 1. The date, time, and place of the meeting;
  - 2. The members of Council present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The result of all votes;
  - 5. The subject of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting.

### II. APPROVAL

- A. The Council must approve all minutes of any meeting.
- B. All minutes must be approved within ninety days of the meeting having occurred.
- C. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
- D. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – APPOINTMENTS

- I. APPOINTMENTS OF CITY STAFF.** The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the members of Council present at a meeting.
  - A. Reviews. Any person appointed by the Council is subject to an annual review by the Council.
  - B. Removals. All appointed persons may be removed by a majority vote of the Council.
  - C. Interference. The Council may meet with the Charter approved appointed staff, but in no instance shall the Council be permitted to interfere with the exercise of authority or discretion of said appointees.
- II. APPOINTMENTS TO VACANT POSITIONS OF MAYOR AND CITY COUNCIL**
  - A. The Stayton City Charter dictates the appointment process for vacant positions.
- III. COUNCIL LIAISONS**
  - A. The Mayor shall appoint one or more Council members to serve as a Council Liaison in the categories below. The intent of the liaison positions isn't to prevent a councilmember from being active or engaged in topics or issues that may be outside the focus of their assigned category.
    - 1. Education, Social Services, Governmental Agencies
    - 2. Economic Development and Housing
    - 3. Public Safety and Environmental
    - 4. Community Relations and Outreach
    - 5. Transportation and Infrastructure (or Public Utilities)
    - 6. The Mayor can serve as a Liaison for any committee or group they deem appropriate.
- IV. APPOINTMENTS OF MEMBERS TO BOARDS, COMMISSIONS, AND/OR COMMITTEES**
  - A. Unless otherwise mandated by state law, the Mayor may appoint the members of any board, commission or committee with the approval of a majority vote of the Council.
  - B. Unless otherwise prohibited by the Council, the Mayor shall have the authority to create and appoint subcommittees of committees authorized by the Council.
  - C. Removals. All appointed persons may be removed at the recommendation of the Mayor with approval of the majority of the Council.

## CHAPTER 8 – ETHICS, DECORUM, OUTSIDE STATEMENTS, AND SOCIAL MEDIA

### I. ETHICS

- A. All members of the Council must review and observe the requirements of state ethics laws.
- B. In addition to complying with state ethics law, all members of the Council must refrain from:
  - 1. Disclosing confidential information.
  - 2. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - 3. Expressing an opinion contrary to the official position of the Council without so saying.
  - 4. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - 5. Not profiting from their position on Council in violation of state law.
- C. All ethics complaints received about a Councilor should be provided to the City Manager who will forward them to the Oregon Government Ethics Commission (OGECE).

### II. DECORUM

- A. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
- B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
- C. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of the Council.
- D. All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so may be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of the Council meeting.

### III. STATEMENTS TO THE MEDIA AND OTHER ORGANIZATIONS

- A. Representing City. If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.
- B. Personal Opinions. If a member of Council, to include the Mayor, appears in the personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor before giving their statement.

**IV. USE OF SOCIAL MEDIA**

- A. Members of the Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon laws as they pertain to public meetings and public records retention schedules.
- B. Under ORS 192.610 or as prescribed by law, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
- C. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the City; relates to an activity, transaction or function of the City; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the City. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
- D. The digital decorum of elected and appointed officials will be governed by the Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Chapter 8, III (Statements to the Media and Other Organizations) above in all social media activities.
- E. City Council members will refrain from posting comments that:
  - 1. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - 2. Express an opinion in a manner contrary to Chapter 8, III (Statements to the Media and Other Organizations) above.

## CHAPTER 9 – INTERACTIONS WITH STAFF AND CITY ATTORNEY

### I. CITY STAFF

- A. All members of the Council must respect the separation between the Council's role and the City Manager's responsibility by:
  - 1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
  - 2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
  - 3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex must be directed to the City Manager. Questions sent to staff must be copied to the City Manager. Councilors may not directly interfere with staff or the City Manager's management of staff.
  - 4. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
  - 5. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a Council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.
  - 6. Allegations of misconduct regarding City staff shall be directed to the City Manager.

### II. CITY ATTORNEY

- A. Council members may make requests to the City Attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A Councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the Council.
- B. Allegations of misconduct regarding the City Manager or a City Councilor from a City staff member or City Councilor shall be directed to the City Attorney.

## CHAPTER 10 – ENFORCEMENT AND CONSEQUENCES

### I. ENFORCEMENT

- A. The Council may ensure compliance with City ordinances, Charter, and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, City Charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand. A majority of the entire Council is required to issue a reprimand.

### II. INVESTIGATIONS AND HEARINGS

- A. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b), or as prescribed by law, to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City Charter, or state laws applicable to governing bodies has occurred.
- B. Before the Council may publicly reprimand the Council must provide the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b), or as prescribed by law.
- C. No final action or decision can be made in executive session, as provided by ORS 192.660(6) or as prescribed by law.

### III. REMOVAL

- A. The Mayor and Councilors may not directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the appointment or approval of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Councilors may discuss or suggest anything with the Manager relating to City business.<sup>5</sup>

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<sup>5</sup> City of Stayton Charter Chapter VIII, Section 34(d)

## CHAPTER 11 – AMENDMENT AND REPEAL OF COUNCIL RULES

- I. **AMENDMENT.** These rules are subject to amendment by the Council.
  - A. Any proposed amendment to these rules must be listed on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public, except in cases of an emergency.
  - B. All amendments to these rules require approval by a majority of a quorum of Council.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **REPEAL.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.
  - A. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
  - B. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public.
  - C. Any repeal and replacement of these rules requires approval by a majority of a quorum of Council.
  - D. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.



## CHAPTER 12 – FINANCES, EXPENSES, AND TRAINING OPPORTUNITIES

- I. FINANCIAL STATEMENTS.** Pursuant to ORS 244.050 or as prescribed by law, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15<sup>th</sup> of each year. For more information, see the Oregon Government Ethics Commission (OGE) website on how to file.

### II. EXPENSES

- A. The Mayor or any City Council member who travels outside Stayton on City business is entitled to receive reimbursement for expenses, which shall be determined as follows:

1. Travel on official business outside Stayton by a single individual may be via public carrier, City-owned vehicle, or private vehicle. If a private vehicle is used, mileage shall be paid at the standard Internal Revenue Service (IRS) mileage rate in effect.
2. City vehicles shall be used for authorized uses and shall absolutely not be used for private purposes.
3. Reimbursement for expenses on official trips shall only be for expenses incurred during the performance of official duty as a City official for the City's benefit. Reasonable meal and lodging expenses may be reimbursed at actual cost upon provision of corresponding receipts to the City Manager. The City shall not reimburse the Mayor or a Councilor for the cost of any alcoholic beverage.
4. The elected official shall submit a signed standard City expense reimbursement request form including copies of all bills, receipts, and/or mileage statements to the City Manager prior to reimbursement.

### III. IN-SERVICE TRAINING AND EDUCATIONAL OPPORTUNITIES

- A. The City values educational and training opportunities for the Mayor and City Councilors in order that services rendered to the City will be more effective.
- B. The City shall either pay for or reimburse an elected official for the cost of registration, tuition, books, or materials for conferences, conventions, training seminars, or courses directly related to the City service provided that:
1. Funds for such expenditures are available in the current budget;
  2. The training is germane and directly related to the duties and functions of the elected official;
  3. The individual is not receiving reimbursement from any other source.

**Resolution No. 1001**

**A RESOLUTION ADOPTING MODIFIED RULES OF THE STAYTON CITY COUNCIL**

WHEREAS, Chapter III, Section 11 of the City of Stayton Charter requires the Council must adopt by resolution rules to govern its meetings and proceedings; and

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The Rules of the Stayton City Council appended hereto, designated Exhibit A are hereby adopted.

SECTION 2. Resolution No. 987, Rules of the Stayton City Council, passed on May 20, 2019 is hereby repealed in its entirety.

ADOPTED BY THE STAYTON CITY COUNCIL THIS 3<sup>RD</sup> DAY OF FEBRUARY, 2020.

CITY OF STAYTON

Date Signed: \_\_\_\_\_

BY: \_\_\_\_\_  
Henry A. Porter, Mayor

Date Signed: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Keith D. Campbell, City Manager



# RULES OF THE STAYTON CITY COUNCIL

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## CHAPTER 1 – GENERAL GOVERNANCE

### I. RULES OF PROCEDURE

- A. Chapter III, Section 11 of the City of Stayton Charter authorizes the Council to adopt rules of procedure for Council meetings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11<sup>th</sup> edition.
- B. To maintain orderly procedures, members of the Council should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before the Council and confuse the public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

### II. QUORUM

- A. A quorum is required to conduct official City business. Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members.<sup>1</sup>
- B. In the event a quorum is not present, the members of council present shall adjourn the meeting.

### III. PRESIDING OFFICER

- A. The Mayor shall preside over all meetings. The Mayor shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity.
- B. A Council President shall be elected by the City Council at its first regularly scheduled meeting of each calendar year.
- C. In the Mayor's absence, the Council President shall preside over the meeting.
- D. If both the Mayor and the Council President are absent from the meeting, the following procedure may be utilized to determine the Presiding Officer for the meeting:
  - 1. Any member of the Council present at a meeting may call the Council to order.
  - 2. Those members of Council present shall elect, by majority vote, a temporary Presiding Officer for the meeting.
- E. Should either the Mayor or the Council President arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

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<sup>1</sup> City of Stayton Charter, Chapter III, Section 13 – Quorum: "Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members as prescribed by Council Rules.

#### IV. OTHER ELECTED AND APPOINTED OFFICERS

- A. **City Recorder.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meeting laws.
- B. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and to assist in answering questions. The City Manager may participate in any discussion, when recognized by the presiding officer. However, the City Manager has no authority to vote on any decision rendered by the Council.
- C. **City Attorney.** The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

#### V. AGENDAS

- A. The City Manager shall prepare an agenda for every regular meeting, and, if requested by the Presiding Officer, for every special meeting.
- B. Agendas and informational material for meetings shall be distributed to the Council no less than 5 days preceding the meeting.
- C. No Council approval shall be required for an agenda of any meeting.
- D. The City Manager may place routine items referred by staff on the agenda without Council approval or action.
- E. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal under announcements.
- F. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
- G. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

#### VI. ORDER OF BUSINESS

- A. The Mayor, or Council President, as the Presiding Officer, has the authority to determine the order of business at any meeting of the Council when it appears to be in the best interest of the public.
- B. The order of business for all regular meetings shall be as follows:
  - 1. Call to Order. The Presiding Officer announces the opening of the meeting and leads the pledge of allegiance.
  - 2. Announcements. Additions to the agenda and declarations of conflict of interest or ex parte communication.

3. Appointments. Mayoral appointments to City's boards, commissions, and committees.
4. Public Comments. Public comments received concerning matters not on the agenda for the meeting.
5. Consent Agenda. Routine items to be adopted by one motion of the Council.
6. Public Hearings. Public hearings on legislative or quasi-judicial land use matters, and public hearings on all other matters.
7. General Business. Considerations of ordinances, resolutions, contracts, policy statements, and other items.
- ~~7-8.~~ Public Comments. Public comments received concerning matters not on the agenda for the meeting.
- ~~8-9.~~ Communications from Mayor and Councilors. Announcements and information provided by members of the Council.
- ~~9-10.~~ Communication from City Staff. Announcements and information provided by members of City staff.
- ~~10-11.~~ Adjournment. The conclusion of the meeting.

C. Public Comment

1. ~~One-Two~~ periods for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment should fill out a "Request for Recognition" form and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. If a member of the public wishes to speak on an item that is scheduled to be considered under General Business, the speaker must wait until the agenda item is presented by staff. Once staff has provided their report to the Council, there will be a time for public comment prior to the Council beginning deliberations.
5. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
6. Before providing any public comment, speakers must announce the person's name and place of residence at the podium to the Council.

7. Members of the Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council should not respond to comments made during public comment agenda time, except to ask clarifying questions. Any public requests for Council action may be referred to staff. Any member of the Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.

D. Consent Agenda

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of the Council by stating which item is to be removed.
4. Appointments to committees must not be placed on the consent agenda.

E. Public Hearings Generally

1. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak should sign the "Request for Recognition" form with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow-up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council should use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of the Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of the Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony by having all speaking in favor testify,

followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer should announce any such restrictions prior to the commencement of testimony.

9. At the end of public testimony and questions of staff, the Council must do one of the following:
  - a. Initiate deliberations by introducing a motion on the matter;
  - b. Continue the hearing; or
  - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1) or as prescribed by law.

F. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)

G. Written Communications to Council

1. Unsolicited communications to the Mayor and/or Council concerning matters on the agenda shall be forwarded to the City staff for consideration of inclusion in the agenda packet.
2. Unsolicited communications to the Mayor and/or Council concerning matters that are not an agenda shall be forwarded to the City staff for consideration of distribution but shall not be included in the agenda packet.
3. The City Manager, or designee, may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.



## CHAPTER 2 – MEETING TIME, LOCATION, AND FREQUENCY

- I. REGULAR MEETINGS.** The Council will generally hold regular meetings at 7:00 p.m. on the first and third Monday of each and every month. If a first or third Monday falls on a City-recognized holiday, the meeting will be held on the following business day.
- II. SPECIAL MEETINGS.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Special meetings must be noticed in accordance with Oregon’s public meetings law, and, at minimum, must be noticed at least 48 hours prior to the meeting taking place.
- III. EMERGENCY MEETINGS.** Emergency meetings may be called by the Mayor, three members of the Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Emergency meetings are those meetings called with less than 48 hours’ notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.
- IV. EXECUTIVE SESSIONS.** Executive sessions may be called by the Presiding Officer, by the request of three members of the Council, by the City Manager, or by the City Attorney.
  - A. Executive Sessions may be called for any purpose authorized by ORS 192.660 or as prescribed by law.
  - B. Only members of the Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
  - C. All attendees must be present for the session in person.
  - D. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report on the issues discussed in executive session.
  - E. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.
- V. WORK SESSIONS.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.
  - A. Work sessions are generally scheduled, as needed.

- B. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
- C. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
- D. Work sessions are to be scheduled by the City Manager.
- E. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.
- F. At any work session or regular meeting, a member of Council may request an item be placed on a work session agenda. A majority vote of the Council members present is required to place the item on a future work session agenda.

**VI. LOCATION OF MEETINGS.**

- A. Council meetings are held at the Stayton Community Center or other specified location within the jurisdictional limits of the city.
- B. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
- C. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
- D. No Council meeting may be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**VII. NOTICE OF MEETINGS.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law.

**VIII. ATTENDANCE AT MEETINGS**

- A. A Council position becomes vacant per City of Stayton Charter Chapter VII, Section 32 – Vacancies.
- B. It is the responsibility of each member of the Council to advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees. The member of Council should communicate the absence to the City Manager as soon as reasonably practicable under the circumstances.
- C. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of the Council to attend in person.
- D. A member of Council should not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of the Council appearing by telephone, or other electronic means where the person's voice may be heard, should remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
- E. Remote attendance is not allowed for Executive Sessions.

## CHAPTER 3 – ORDINANCES AND RESOLUTIONS

### I. ORDINANCES

- A. An ordinance is a law passed by the Council in its legislative capacity.
- B. Ordinance Enactment (*City of Stayton Charter Chapter IV, Section 17, enacted January 1, 2018*)

SECTION 17. ORDINANCE ENACTMENT.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.
- (b) The council may enact an ordinance at a single meeting by the unanimous approval of the councilors in attendance, provided the proposed ordinance is available to the public at least seven days before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council enacts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each councilor must be entered into the council minutes.
- (e) When an ordinance is passed, the City Recorder shall endorse it with the date of its passage, his/her name and title of office; and within three day thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
- (f) If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the mayor does not so return it, such ordinance shall become law as enacted.
- (g) Upon the first regular meeting of the council after the demand for reconsideration by the mayor, the council must consider the reasons provided by the mayor and vote on the ordinance. If at least three councilors vote to enact the ordinance, it shall become law. If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become law.

- C. Effective Date of Ordinances (*City of Stayton Charter Chapter IV, Section 18, enacted January 1, 2018*)

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30<sup>th</sup> day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause.

## II. RESOLUTIONS

- A. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.
- B. The City Recorder or designee will assign a Resolution Number.
- C. Resolution Adoption (*City of Stayton Charter Chapter V, Section 20, enacted January 1, 2018*)

### SECTION 20. RESOLUTION ADOPTION.

- (a) Adoption of a resolution or any other council administrative decision requires approval by the council at one meeting.
  - (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
  - (c) After adoption of a resolution or other administrative decision, the vote of each councilor must be entered into the council minutes.
  - (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption.
- D. Effective Date of Resolutions (*City of Stayton Charter Chapter V, Section 21, enacted January 1, 2018*)

SECTION 21. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution.

## CHAPTER 4 – LAND USE HEARINGS

### I. GENERAL CONDUCT OF HEARINGS<sup>2</sup>

- A. Any party may speak in person, through an attorney, or elect to have a representative to present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
- C. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
- D. Upon being recognized by the Presiding Officer, any member of Council may question any person who testifies.
- E. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
- F. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must not the numbers of such persons for the record in the minutes.

### II. QUASI-JUDICIAL LAND USE MATTERS

- A. Scope of Review. All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
- B. Conflicts of Interest
  - 1. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter; or
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
- C. Ex Parte Contact
  - 1. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Manager who can refer it to the City Attorney before the meeting.
  - 2. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding (ORS 227.180 or as prescribed

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<sup>2</sup> State law governs this process. ORS Chapter 197 – Comprehensive Land Use Planning; ORS Chapter 227 – City Planning and Zoning

by law). If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

D. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision of the Council must be based on the applicable standards and criteria set forth in the City of Stayton Municipal Code, the City's Comprehensive Plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
3. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

E. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

1. **Land Use Hearing Disclosure Statement.** The Presiding Officer must read the land use hearing disclosure statement, which must include:
  - a. A list of the applicable criteria;
  - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision.
  - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. **Call for Ex Parte Contacts.** The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
3. **Call for Abstentions.** The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
4. **Staff Summary.** Planning staff will present a summary and recommendation concerning the proposal.
5. **Presentation of the Case.** The presentation of the case will be as follows:
  - a. Proponent's case.
  - b. Public comment by Ppersons in favor.
  - c. Public comment by Ppersons opposed.
  - d. Other interested persons.

- e. **Rebuttal.** Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- 6. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however the Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of factual evidence, all parties must be afforded an opportunity for rebuttal.
- 7. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- F. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
- G. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### III. LEGISLATIVE LAND USE MATTERS

- A. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  - 1. **Call for Abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
  - 2. **Staff Summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
  - 3. **Presentation of the Case.** The presentation of the case will be as follows:
    - a. Proponent's case.
    - b. Public comment by pPersons in favor.
    - c. Public comment by pPersons opposed.
    - d. Other interested persons.
  - 4. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
  - 5. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
  - 6. **Reopening Hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

## CHAPTER 5 – MOTIONS, DEBATE, PUBLIC COMMENT AND VOTING

### I. MOTIONS

#### A. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. Any motion shall be reduced to writing if requested by a member of the Council.
4. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
5. If a motion does not receive a second, it dies.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, and then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

### II. MOTION TO RECONSIDER

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.



**III. DEBATE.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

**IV. PUBLIC COMMENT**

- A. The public is entitled to comment on all matters before the Council that require a vote.
- B. Public comment will occur after the matter up for vote has been presented by City staff and before the Council begins deliberations on the matter.
- C. Each member of the public is entitled to comment on the matter before the Council for three minutes.
- D. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided at a later time.
- E. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.
- F. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

**V. VOTING.** The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these rules.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>3</sup>
- B. Consent Agenda. The unanimous vote of all members of the Council present is required to approve the matters on a consent agenda.
- C. Ordinances. An ordinance requires a majority of a quorum to pass.
- D. Emergency Ordinance. An emergency ordinance requires the unanimous vote of all Council members present.
- E. Resolutions. A majority of a quorum is required to pass a resolution.
- F. Budget. The budget requires a majority of a quorum to pass.

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<sup>3</sup> City of Stayton Charter, Chapter III, Section 14 – Vote Required: “The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this charter requires approval by a majority of the Council.”

- G. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.
- H. Suspension of Rules. A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the City's charter shall not be suspended or rescinded.
- I. Votes. All votes must be recorded in the minutes.
- J. Tie Votes. The Mayor is not a member of the council and has no vote unless there is a tie vote. <sup>4</sup>

**VI. EFFECTIVE DATE**

- A. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
- B. The following shall take effect immediately upon its passage:
  - 1. Ordinance making appropriations and the annual tax levy;
  - 2. Ordinances relative to local improvements and assessments; and
  - 3. Emergency ordinances.
- C. All other ordinances shall take effect 30 days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
- D. The filing of a referendum petition shall suspend the effective date of an ordinance.

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<sup>4</sup> City of Stayton Charter, Chapter III, Section 9 – Mayor: “The Mayor is not a member of the Council and has no vote unless there is a tie vote.”

## CHAPTER 6 – MINUTES

### I. GENERALLY.

- A. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder in accordance with the appropriate record retention schedule.
- B. The minutes must contain the following information:
  - 1. The date, time, and place of the meeting;
  - 2. The members of Council present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The result of all votes;
  - 5. The subject of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting.

### II. APPROVAL

- A. The Council must approve all minutes of any meeting.
- B. All minutes must be approved within ninety days of the meeting having occurred.
- C. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
- D. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – APPOINTMENTS

- I. APPOINTMENTS OF CITY STAFF.** The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the members of Council present at a meeting.
  - A. Reviews. Any person appointed by the Council is subject to an annual review by the Council.
  - B. Removals. All appointed persons may be removed by a majority vote of the Council.
  - C. Interference. The Council may meet with the Charter approved appointed staff, but in no instance shall the Council be permitted to interfere with the exercise of authority or discretion of said appointees.
- II. APPOINTMENTS TO VACANT POSITIONS OF MAYOR AND CITY COUNCIL**
  - A. The Stayton City Charter dictates the appointment process for vacant positions.
- III. COUNCIL LIAISONS**
  - A. The Mayor shall appoint one or more Council members to serve as a Council Liaison in the categories below. The intent of the liaison positions isn't to prevent a councilmember from being active or engaged in topics or issues that may be outside the focus of their assigned category.
    - 1. Education, Social Services, Governmental Agencies
    - 2. Economic Development and Housing
    - 3. Public Safety and Environmental
    - 4. Community Relations and Outreach
    - 5. Transportation and Infrastructure (or Public Utilities)
    - 6. The Mayor can serve as a Liaison for any committee or group they deem appropriate.
- IV. APPOINTMENTS OF MEMBERS TO BOARDS, COMMISSIONS, AND/OR COMMITTEES**
  - A. Unless otherwise mandated by state law, the Mayor may appoint the members of any board, commission or committee with the approval of a majority vote of the Council.
  - B. Unless otherwise prohibited by the Council, the Mayor shall have the authority to create and appoint subcommittees of committees authorized by the Council.
  - C. Removals. All appointed persons may be removed at the recommendation of the Mayor with approval of the majority of the Council.

## CHAPTER 8 – ETHICS, DECORUM, OUTSIDE STATEMENTS, AND SOCIAL MEDIA

### I. ETHICS

- A. All members of the Council must review and observe the requirements of state ethics laws.
- B. In addition to complying with state ethics law, all members of the Council must refrain from:
  - 1. Disclosing confidential information.
  - 2. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - 3. Expressing an opinion contrary to the official position of the Council without so saying.
  - 4. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - 5. Not profiting from their position on Council in violation of state law.
- C. All ethics complaints received about a Councilor should be provided to the City Manager who will forward them to the Oregon Government Ethics Commission (OGECE).

### II. DECORUM

- A. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
- B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
- C. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of the Council.
- D. All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so may be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of the Council meeting.

### III. STATEMENTS TO THE MEDIA AND OTHER ORGANIZATIONS

- A. Representing City. If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.
- B. Personal Opinions. If a member of Council, to include the Mayor, appears in the personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor before giving their statement.

**IV. USE OF SOCIAL MEDIA**

- A. Members of the Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon laws as they pertain to public meetings and public records retention schedules.
- B. Under ORS 192.610 or as prescribed by law, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
- C. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the City; relates to an activity, transaction or function of the City; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the City. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
- D. The digital decorum of elected and appointed officials will be governed by the Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Chapter 8, III (Statements to the Media and Other Organizations) above in all social media activities.
- E. City Council members will refrain from posting comments that:
  - 1. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - 2. Express an opinion in a manner contrary to Chapter 8, III (Statements to the Media and Other Organizations) above.

## CHAPTER 9 – INTERACTIONS WITH STAFF AND CITY ATTORNEY

### I. CITY STAFF

- A. All members of the Council must respect the separation between the Council's role and the City Manager's responsibility by:
  - 1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
  - 2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
  - 3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex must be directed to the City Manager. Questions sent to staff must be copied to the City Manager. Councilors may not directly interfere with staff or the City Manager's management of staff.
  - 4. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
  - 5. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a Council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.
  - 6. Allegations of misconduct regarding City staff shall be directed to the City Manager.

### II. CITY ATTORNEY

- A. Council members may make requests to the City Attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A Councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the Council.
- B. Allegations of misconduct regarding the City Manager or a City Councilor from a City staff member or City Councilor shall be directed to the City Attorney.

## CHAPTER 10 – ENFORCEMENT AND CONSEQUENCES

### I. ENFORCEMENT

- A. The Council may ensure compliance with City ordinances, Charter, and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, City Charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand. A majority of the entire Council is required to issue a reprimand.

### II. INVESTIGATIONS AND HEARINGS

- A. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b), or as prescribed by law, to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City Charter, or state laws applicable to governing bodies has occurred.
- B. Before the Council may publicly reprimand the Council must provide the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b), or as prescribed by law.
- C. No final action or decision can be made in executive session, as provided by ORS 192.660(6) or as prescribed by law.

### III. REMOVAL

- A. The Mayor and Councilors may not directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the appointment or approval of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Councilors may discuss or suggest anything with the Manager relating to City business.<sup>5</sup>

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<sup>5</sup> City of Stayton Charter Chapter VIII, Section 34(d)



## CHAPTER 11 – AMENDMENT AND REPEAL OF COUNCIL RULES

- I. **AMENDMENT.** These rules are subject to amendment by the Council.
  - A. Any proposed amendment to these rules must be listed on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public, except in cases of an emergency.
  - B. All amendments to these rules require approval by a majority of a quorum of Council.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **REPEAL.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.
  - A. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
  - B. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public.
  - C. Any repeal and replacement of these rules requires approval by a majority of a quorum of Council.
  - D. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

## CHAPTER 12 – FINANCES, EXPENSES, AND TRAINING OPPORTUNITIES

- I. FINANCIAL STATEMENTS.** Pursuant to ORS 244.050 or as prescribed by law, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15<sup>th</sup> of each year. For more information, see the Oregon Government Ethics Commission (OGE) website on how to file.

### II. EXPENSES

- A. The Mayor or any City Council member who travels outside Stayton on City business is entitled to receive reimbursement for expenses, which shall be determined as follows:

1. Travel on official business outside Stayton by a single individual may be via public carrier, City-owned vehicle, or private vehicle. If a private vehicle is used, mileage shall be paid at the standard Internal Revenue Service (IRS) mileage rate in effect.
2. City vehicles shall be used for authorized uses and shall absolutely not be used for private purposes.
3. Reimbursement for expenses on official trips shall only be for expenses incurred during the performance of official duty as a City official for the City's benefit. Reasonable meal and lodging expenses may be reimbursed at actual cost upon provision of corresponding receipts to the City Manager. The City shall not reimburse the Mayor or a Councilor for the cost of any alcoholic beverage.
4. The elected official shall submit a signed standard City expense reimbursement request form including copies of all bills, receipts, and/or mileage statements to the City Manager prior to reimbursement.

### III. IN-SERVICE TRAINING AND EDUCATIONAL OPPORTUNITIES

- A. The City values educational and training opportunities for the Mayor and City Councilors in order that services rendered to the City will be more effective.
- B. The City shall either pay for or reimburse an elected official for the cost of registration, tuition, books, or materials for conferences, conventions, training seminars, or courses directly related to the City service provided that:
1. Funds for such expenditures are available in the current budget;
  2. The training is germane and directly related to the duties and functions of the elected official;
  3. The individual is not receiving reimbursement from any other source.

## **Proposed Purchase of the Union Pacific Rail Line from Woodburn to Stayton**

The Union Pacific Railroad owns the underlying right-of-way, track, ties, and associated facilities of the East Marion County Rail Line (the “line”). The line runs approximately 33 miles from Woodburn, Oregon to Stayton, Oregon. The line is entirely within Marion County and runs through the cities of Mt. Angel, Silverton, and Aumsville with endpoints at Woodburn and at Stayton.

In February of 2018, Marion County received a report regarding the condition of the line and its potential contribution to the surrounding communities. The line is presently leased by Union Pacific to Willamette Valley Railroad Company. The Willamette Valley Railroad Company lease expires in January of 2023. Because of two substantial washouts which have not been repaired, service presently runs, at best, from Woodburn through Mt. Angel to Silverton. There is no service from Silverton through Aumsville to Stayton.

### **Oregon Port of Willamette, LLC Partnership**

The Oregon Port of Willamette, LLC has put together a comprehensive plan to establish an intermodal facility in Brooks, Oregon. A detailed description of that project can be found at [www.portofwillamette.com](http://www.portofwillamette.com). As part of the continued development of that project, the Oregon Port of Willamette has found that it would be helpful to have a partner, consisting of a short line railroad which can place a footprint within the rail yard at the Brooks facility. This rail yard need not be connected in any direct fashion to the rest of the short line railroad. The short line railroad, as a common carrier, has the capacity to build such a rail yard and has the capability to seek federal grant money to assist in the construction of such an intermodal facility.

As part of its ongoing development plans, the Oregon Port of Willamette has encouraged and supported the establishment of a new limited liability company designed to acquire a short line railroad. This new limited liability company will partner with the Oregon Port of Willamette in the establishment of the Brooks intermodal facility and, possibly, other intermodal support facilities in the Willamette Valley. The separate limited liability company is Oregon Cavalier Development, LLC. The Managing Member is Kevin Mannix, who is also the Executive Director of Oregon Port of Willamette.

### **Proposed Purchase of the Line**

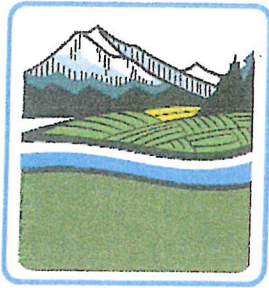
Oregon Cavalier Development, LLC (“Cavalier”) has initiated a proposal with Union Pacific to acquire the ownership of the Union Pacific underlying right-of-way, track, ties, and associated facilities of the East Marion County Rail Line subject to the existing lease. Cavalier has put together a business plan and an analysis of the operation in which Cavalier can restore full service on the line and operate on a profitable basis. Cavalier had an engineering consulting firm evaluate the estimated costs of restoration of service through repair and renovation of the line and has included this in its business plan evaluation.

As part of its business plan development, Cavalier has contacted businesses which would like to receive service along the portions of the line currently out of service. Cavalier is confident such businesses will provide sufficient additional rail business to justify acquisition of the line and restoration of full service.

Union Pacific has informally indicated that its review of the proposed sale will require involvement by at least four departments of Union Pacific. Cavalier believes letters of support from community officials and leaders will encourage Union Pacific to move forward with Union Pacific's review of the proposed sale. Cavalier is seeking such letters of support.

As part of its business plan, Cavalier may seek federal and state grants to assist in the restoration of service, but these are not a required element of the purchase and restoration project. Cavalier does not intend to ask for any city or county financial support for restoration and improvement of the line, including the improvement of safety features at rail crossings.

**Kevin L. Mannix**  
**Managing Member, Oregon Cavalier Development, LLC**  
**Executive Director, Oregon Port of Willamette, LLC**



**Marion County**  
OREGON

Board of Commissioners

January 14, 2020

(503) 588-5212

(503) 588-5237-FAX Union Pacific Railroad

**BOARD OF  
COMMISSIONERS**

Colm Willis  
Sam Brentano  
Kevin Cameron

**CHIEF  
ADMINISTRATIVE  
OFFICER**

Jan Fritz

**Re: Willamette Valley Railroad**

Dear Ladies and Gentlemen:

We are writing in regard to a proposal by Oregon Cavalier Development, LLC, with Kevin Mannix as Managing Member, to purchase the Union Pacific right-of-way and tracks which run from Woodburn, Oregon, to Stayton, Oregon. We realize that this line is currently leased by Willamette Valley Railway Company. Oregon Cavalier Development, LLC, proposes to purchase the underlying system and plans to take necessary steps to restore full service to the entire line. Oregon Cavalier Development, LLC, also plans to increase the volume of business along the line, which will be beneficial to the involved businesses, as well as Union Pacific.

The entire line is within Marion County. Our county government is concerned about the future of this line and is pleased to see an opportunity to restore and enhance this important railroad service. We conducted a comprehensive study of this line, with the report completed in February 2018, so we are familiar with the challenges facing Oregon Cavalier Development, LLC. This company is fully aware of our report and is prepared to take on the challenge of ensuring good service on the line.

Accordingly, we encourage Union Pacific Railroad to join in substantial negotiations with Oregon Cavalier Development, LLC, as to their proposal to purchase this right-of-way and its tracks.

Sincerely,

Colm Willis, Chair

Samuel A. Brentano, Vice Chair

Kevin Cameron, Commissioner





MAYOR'S OFFICE

555 Liberty St SE / Room 220 • Salem, OR 97301-3513 • 503-588-4034 • Fax 503-588-6654

January 14, 2020

Union Pacific

**Re: Willamette Valley Railroad**

Ladies and Gentlemen:

I am writing in regard to the proposal by Oregon Cavalier Development, LLC, to purchase your right-of-way, track, and related facilities as to the rail line which runs from Woodburn, Oregon, to Stayton, Oregon.

I have worked with Kevin L. Mannix, Managing Member of Oregon Cavalier Development, LLC, on many projects, and I have full confidence in his group's capabilities to put together a successful railroad operation on this line, which will benefit the involved communities and which can provide Union Pacific with increased business.

Mr. Mannix has taken a leadership role in developing transportation systems in Oregon, and he will work closely with Union Pacific to maximize the potential of this railroad.

The city of Salem is not located along this rail line, but the enhancement of services on this line will be a significant benefit to the entire area, including Salem. Accordingly, as Mayor of Salem, I very much support positive negotiations between the Union Pacific and Oregon Cavalier Development, LLC, on this proposal.

Sincerely,

Chuck Bennett  
Mayor

EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Women, minorities and disabled are encouraged to apply • ADA Accommodations will be provided upon request



930 Chemawa Road NE  
Box 21000  
Keizer Oregon 97303

January 23, 2020

Union Pacific Railroad:

The City of Keizer encourages Union Pacific Railroad to engage in negotiations with Oregon Cavalier Development, LLC, in regard to their proposed purchase of the Union Pacific rail line which runs from Woodburn, Oregon to Stayton, Oregon. This is commonly referred to as the Willamette Valley Railroad.

We support this effort because we know the purchase is for the purpose of running, restoring and enhancing rail service for our region. We are aware of the capabilities of Kevin Mannix, Managing Member of Oregon Cavalier Development, and we believe their good faith efforts to purchase the Right of Way and tracks, and their willingness to restore service on this rail line from Woodburn to Stayton will benefit our region.

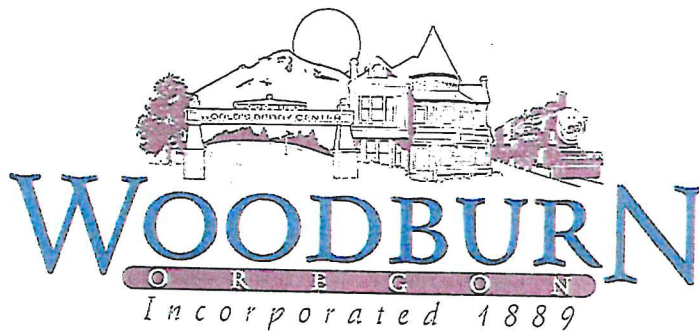
Marion County is the most productive agricultural county in the state and has a great need for rail transportation to move increasing volumes of agricultural products to the Ports of Seattle/Tacoma. The entire Willamette Valley is a zone of significant agricultural enterprises, all requiring transportation systems to get their products to market efficiently, reliably and cost-effectively. The Willamette Valley Railroad will help meet the import/export needs of diverse businesses in the central Willamette Valley.

While the City of Keizer is not located along this rail line, we are very much aware of the need for and very supportive of regional transportation improvements. The purchase and restoration of this rail line by Oregon Cavalier Development will positively contribute significantly to transportation improvement in our community.

Thank you for your consideration.

Sincerely,

Cathy Clark, Mayor, and the Keizer City Council  
City of Keizer, Oregon  
clarkc@keizer.org



Union Pacific Railroad

Re: Willamette Valley Railroad

Ladies and Gentlemen:

I have known Kevin Mannix for many years and he has contacted me in regards to his work as Managing Member of Oregon Cavalier Development, LLC, which wishes to negotiate the purchase of the Willamette Valley Railroad from Union Pacific.

Mr. Mannix understands that Willamette Valley Railway is leasing this line from Union Pacific, and any purchase of the underlying right of way and tracks will be subject to the lease. Mr. Mannix advises me that his group is willing to take on the rights and responsibilities of owning the line. They intend to invest the funds to restore and maintain full service on the line and to increase the volume of business on the line.

The City of Woodburn will benefit from improved service on this line, especially with a complete connection from Woodburn to Stayton, the southern end of this line. Our community is supportive of this effort to restore and enhance service. It will help not only Woodburn but all of the small cities located along the line. Of course, increased business on this line will also mean increased business for Union Pacific.

I encourage Union Pacific to engage in solid negotiations with Oregon Cavalier Development, LLC so that Oregon Cavalier Development may be able to proceed with purchase of the full line.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Eric Swenson", is written over a horizontal line.

Sincerely,  
Eric Swenson  
Mayor of Woodburn





# City of Mt. Angel

~ Inc. April 3, 1893 ~

5 N Garfield Street • P.O. Box 960 • Mt. Angel, OR 97362  
Phone 503-845-9291 • Fax 503-845-6261  
[www.ci.mt-angel.or.us](http://www.ci.mt-angel.or.us)

Union Pacific

January 21, 2020

Ladies and Gentlemen:

I was very pleased to hear that Oregon Cavalier Development, LLC has initiated negotiations with Union Pacific to acquire the underlying right of way and rail line which runs from Woodburn to Stayton, and is currently operated by the Willamette Valley Railroad Company. I am aware that the purchase is subject to the existing lease. It is my understanding that Oregon Cavalier Development is committed to the restoration of full service on the entire line so that service can be reinstated between Stayton and Silverton providing businesses along the line with the opportunity to connect their freight with Union Pacific at Woodburn.

Our Mt. Angel community would enjoy many benefits from enhanced service along this rail line. I appreciate the commitment demonstrated by Oregon Cavalier Development through the work of its Managing Member, Kevin Mannix.

Accordingly, I ask that Union Pacific fully engage in negotiations with Oregon Cavalier Development as to this important project.

Sincerely,

Kelly Grassman  
Mayor  
City of Mt. Angel



**City of Silverton**

**Office of the Mayor**

306 S. Water St. • Silverton, OR

97381

[www.silverton.or.us](http://www.silverton.or.us)

January 23, 2020

Ladies and Gentlemen:

As Mayor of Silverton, Oregon, I encourage you to fully engage in positive negotiations with Kevin Mannix in regard to the proposal by his Oregon Cavalier Development, LLC to purchase the existing rail line which runs from Woodburn to Stayton. Mr. Mannix and his group intend to restore service from Silverton to Stayton. They also plan to improve rail facilities along the entire line.

While I know that there will be questions that arise about specifics of improvements along portions of the line in Silverton, as well as questions some of our city leaders will have about the specifics of the proposed rail schedule, the potential for “quiet zones,” and other safety and operational details, I recognize the benefit to our community to begin a working relationship with Oregon Cavalier Development LLC and look forward to this opportunity.

The existing tenant, Willamette Valley Railroad Company, is running trains from Woodburn to Silverton but is not running trains from Silverton to Stayton. I believe restoration of full service is important to the surrounding communities, and I understand that Mr. Mannix has already identified businesses which want to make use of such rail service.

Thank you for your consideration.

Kyle B. Palmer  
Mayor, City of Silverton  
503-932-8550  
[kpalmer@silverton.or.us](mailto:kpalmer@silverton.or.us)



# City of Aumsville



595 Main St., Aumsville, OR 97325  
Office (503) 749-2030 TTY 711 FAX: (503) 749-1852  
An Equal Opportunity Employer

Union Pacific Railroad  
1400 Douglas Street  
Omaha, NE 68179

Ladies and Gentlemen:

The East Marion Rail Line, generally known as the Willamette Valley Railroad, runs from Woodburn through Aumsville to its end site in Stayton. We have conferred with Kevin Mannix, the Managing Member of Oregon Cavalier Development, LLC. We are aware of their negotiations with Union Pacific as part of their effort to purchase this East Marion Rail Line.

The City is supportive of this effort because of the need for rail service in our area. In addition, Oregon Cavalier Development, LLC is committed to restoring service along the entire line and installing necessary safety improvements. The implementation of three safety projects in regard to crossings in Aumsville, which is part of the restoration and rehabilitation plan, is an important element for the City of Aumsville. We especially appreciate the commitment by Kevin Mannix and Oregon Cavalier Development, LLC that their railroad operation does not expect the City of Aumsville to pay for these important safety improvements. Instead, they will be part of the restoration and rehabilitation project carried out, assuming his group is successful in purchasing the right of way and the track.

I encourage Union Pacific Railroad to carry out successful negotiations with Mr. Mannix and his group so that they are able to purchase this rail line. The renewed business activity will not only help businesses in our area; it will also help Union Pacific.

I thank you for your attention to this matter.

Sincerely,

Ron Harding  
City Administrator  
City of Aumsville

**RICK LEWIS**  
**STATE REPRESENTATIVE**  
DISTRICT 18  
OREGON'S CHRISTMAS TREE DISTRICT



**HOUSE OF REPRESENTATIVES**

January 22, 2020

Union Pacific

Ladies and Gentlemen:

I represent the City of Silverton and surrounding areas in my capacity as a State Representative. I previously served as Mayor of Silverton. I am aware of the proposal by Oregon Cavalier Development, LLC to purchase the East Marion Rail Line, generally known as the Willamette Valley Railroad, from Union Pacific, subject to the existing rail use lease.

There are rail restoration and improvement projects which we would like to see for this rail line. I believe Kevin Mannix and Oregon Cavalier Development, LLC will work hard to resolve those issues and fully restore rail service on the entire line, running from Woodburn to Stayton. Accordingly, I encourage Union Pacific Railroad to fully engage in negotiations with Mr. Mannix and his group as to their proposal to purchase this rail line.

Thank you for your consideration.

Sincerely,

Rick Lewis  
State Representative  
House District 18



**SHERRIE SPRENGER**  
**STATE REPRESENTATIVE**  
DISTRICT 17



**HOUSE OF REPRESENTATIVES**  
**900 COURT ST NE**  
**SALEM, OR 97301**

Union Pacific Railroad

Ladies and Gentlemen:

I am a State Representative and a portion of my House district is within Marion County. Marion County has an historically significant rail line, often referred to as the East Marion County Rail Line, which runs from Woodburn through Mt. Angel, Silverton, and Aumsville to Stayton. This rail line is important to the economy in this part of the county. Union Pacific owns the right of way and the track.

Kevin Mannix, Managing Member of Oregon Cavalier Development, LLC, has made me aware of efforts by this company to purchase the underlying rail line, including the right of way and tracks, from Union Pacific. Oregon Cavalier Development, LLC is committed to repairing and improving the rail line so that full service can be restored between the Union Pacific connection in Woodburn and the southern end of the line in Stayton. (In recent years, service has ended between Silverton and Stayton so service is presently provided only between Woodburn and Silverton).

Such restoration of service would be of significant help to businesses on and near the line. I encourage Union Pacific to fully engage in negotiations with Oregon Cavalier Development as to their proposal to purchase this line and restore full service

Thank you for your consideration.

Sincerely,

Representative Sherrie Sprenger  
House District 17

[Rep.Sherriesprenger@Oregonlegislature.gov](mailto:Rep.Sherriesprenger@Oregonlegislature.gov)  
503.986.1417

**BRIAN CLEM**  
**STATE REPRESENTATIVE**  
DISTRICT 21



**HOUSE OF REPRESENTATIVES**

Ladies and Gentlemen:

My legislative district includes east Salem, which is just west of the East Marion Rail Line, generally known as the Willamette Valley Railroad, which runs from Woodburn to Stayton. I am aware of the proposal by Oregon Cavalier Development, LLC to purchase the East Marion Rail Line from Union Pacific, subject to the existing rail lease.

This line can be an important freight line for the Marion County cities along the line and for the region. It is important to restore full service on this line. I believe Kevin Mannix and Oregon Cavalier Development, LLC have the capability to resolve the service issues and fully restore rail service on the entire line.

Accordingly, I support positive negotiations between Union Pacific and Oregon Cavalier Development, LLC as to their proposal to purchase this line.

Thank you for your consideration.

Sincerely,

Brian Clem  
State Representative





# REQUEST FOR RECOGNITION

If you wish to speak before the City Council, please fill out this form and hand it to the City Recorder prior to the opening of the meeting. This document is a public record. **Comments are limited to 3 minutes for all options below.**

Name (please print): Bill Martinak

Address: 15556 Coon Hollow Rd Stayton Or 97383  
Street City State Zip

I wish to speak during: Award of Community Grants Food Bank

	<b>CITIZEN COMMENTS</b> (Speak on a subject <u>not</u> on the Council agenda.)	
<u>X</u>	<b>GENERAL BUSINESS:</b> (Speak on an item on the current Council agenda.)	
	Agenda Item:	
	<b>PUBLIC HEARING – TOPIC:</b>	

Comments: Support grant award approved

*Comments are limited to 3 minutes or less.*





# REQUEST FOR RECOGNITION

If you wish to speak before the City Council, please fill out this form and hand it to the City Recorder prior to the opening of the meeting. This document is a public record. **Comments are limited to 3 minutes for all options below.**

Name (please print): Russ Frohmeier

Address: 325 W. Washington St. OR 97385

Street City State Zip

I wish to speak during:

<input checked="" type="checkbox"/>	<b>CITIZEN COMMENTS</b> (Speak on a subject <u>not</u> on the Council agenda.)
<input type="checkbox"/>	<b>GENERAL BUSINESS:</b> (Speak on an item on the current Council agenda.)
<input type="checkbox"/>	Agenda Item: <input type="text"/>
<input type="checkbox"/>	<b>PUBLIC HEARING – TOPIC:</b> <input type="text"/>

Comments: Homeless moving into town. what are we doing to  
them,

**Comments are limited to 3 minutes or less.**



## **Proposed Purchase of the Union Pacific Rail Line from Woodburn to Stayton**

The Union Pacific Railroad owns the underlying right-of-way, track, ties, and associated facilities of the East Marion County Rail Line (the “line”). The line runs approximately 33 miles from Woodburn, Oregon to Stayton, Oregon. The line is entirely within Marion County and runs through the cities of Mt. Angel, Silverton, and Aumsville with endpoints at Woodburn and at Stayton.

In February of 2018, Marion County received a report regarding the condition of the line and its potential contribution to the surrounding communities. The line is presently leased by Union Pacific to Willamette Valley Railroad Company. The Willamette Valley Railroad Company lease expires in January of 2023. Because of two substantial washouts which have not been repaired, service presently runs, at best, from Woodburn through Mt. Angel to Silverton. There is no service from Silverton through Aumsville to Stayton.

### **Oregon Port of Willamette, LLC Partnership**

The Oregon Port of Willamette, LLC has put together a comprehensive plan to establish an intermodal facility in Brooks, Oregon. A detailed description of that project can be found at [www.portofwillamette.com](http://www.portofwillamette.com). As part of the continued development of that project, the Oregon Port of Willamette has found that it would be helpful to have a partner, consisting of a short line railroad which can place a footprint within the rail yard at the Brooks facility. This rail yard need not be connected in any direct fashion to the rest of the short line railroad. The short line railroad, as a common carrier, has the capacity to build such a rail yard and has the capability to seek federal grant money to assist in the construction of such an intermodal facility.

As part of its ongoing development plans, the Oregon Port of Willamette has encouraged and supported the establishment of a new limited liability company designed to acquire a short line railroad. This new limited liability company will partner with the Oregon Port of Willamette in the establishment of the Brooks intermodal facility and, possibly, other intermodal support facilities in the Willamette Valley. The separate limited liability company is Oregon Cavalier Development, LLC. The Managing Member is Kevin Mannix, who is also the Executive Director of Oregon Port of Willamette.

### **Proposed Purchase of the Line**

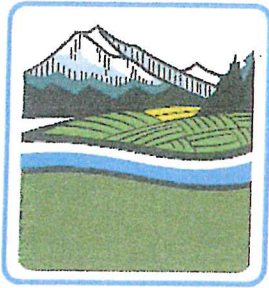
Oregon Cavalier Development, LLC (“Cavalier”) has initiated a proposal with Union Pacific to acquire the ownership of the Union Pacific underlying right-of-way, track, ties, and associated facilities of the East Marion County Rail Line subject to the existing lease. Cavalier has put together a business plan and an analysis of the operation in which Cavalier can restore full service on the line and operate on a profitable basis. Cavalier had an engineering consulting firm evaluate the estimated costs of restoration of service through repair and renovation of the line and has included this in its business plan evaluation.

As part of its business plan development, Cavalier has contacted businesses which would like to receive service along the portions of the line currently out of service. Cavalier is confident such businesses will provide sufficient additional rail business to justify acquisition of the line and restoration of full service.

Union Pacific has informally indicated that its review of the proposed sale will require involvement by at least four departments of Union Pacific. Cavalier believes letters of support from community officials and leaders will encourage Union Pacific to move forward with Union Pacific's review of the proposed sale. Cavalier is seeking such letters of support.

As part of its business plan, Cavalier may seek federal and state grants to assist in the restoration of service, but these are not a required element of the purchase and restoration project. Cavalier does not intend to ask for any city or county financial support for restoration and improvement of the line, including the improvement of safety features at rail crossings.

**Kevin L. Mannix**  
**Managing Member, Oregon Cavalier Development, LLC**  
**Executive Director, Oregon Port of Willamette, LLC**



**Marion County**  
OREGON

Board of Commissioners

January 14, 2020

(503) 588-5212

(503) 588-5237-FAX Union Pacific Railroad

**BOARD OF  
COMMISSIONERS**

Colm Willis  
Sam Brentano  
Kevin Cameron

**CHIEF  
ADMINISTRATIVE  
OFFICER**

Jan Fritz

**Re: Willamette Valley Railroad**

Dear Ladies and Gentlemen:

We are writing in regard to a proposal by Oregon Cavalier Development, LLC, with Kevin Mannix as Managing Member, to purchase the Union Pacific right-of-way and tracks which run from Woodburn, Oregon, to Stayton, Oregon. We realize that this line is currently leased by Willamette Valley Railway Company. Oregon Cavalier Development, LLC, proposes to purchase the underlying system and plans to take necessary steps to restore full service to the entire line. Oregon Cavalier Development, LLC, also plans to increase the volume of business along the line, which will be beneficial to the involved businesses, as well as Union Pacific.

The entire line is within Marion County. Our county government is concerned about the future of this line and is pleased to see an opportunity to restore and enhance this important railroad service. We conducted a comprehensive study of this line, with the report completed in February 2018, so we are familiar with the challenges facing Oregon Cavalier Development, LLC. This company is fully aware of our report and is prepared to take on the challenge of ensuring good service on the line.

Accordingly, we encourage Union Pacific Railroad to join in substantial negotiations with Oregon Cavalier Development, LLC, as to their proposal to purchase this right-of-way and its tracks.

Sincerely,

Colm Willis, Chair

Samuel A. Brentano, Vice Chair

Kevin Cameron, Commissioner



MAYOR'S OFFICE

555 Liberty St SE / Room 220 • Salem, OR 97301-3513 • 503-588-4034 • Fax 503-588-6654

January 14, 2020

Union Pacific

**Re: Willamette Valley Railroad**

Ladies and Gentlemen:

I am writing in regard to the proposal by Oregon Cavalier Development, LLC, to purchase your right-of-way, track, and related facilities as to the rail line which runs from Woodburn, Oregon, to Stayton, Oregon.

I have worked with Kevin L. Mannix, Managing Member of Oregon Cavalier Development, LLC, on many projects, and I have full confidence in his group's capabilities to put together a successful railroad operation on this line, which will benefit the involved communities and which can provide Union Pacific with increased business.

Mr. Mannix has taken a leadership role in developing transportation systems in Oregon, and he will work closely with Union Pacific to maximize the potential of this railroad.

The city of Salem is not located along this rail line, but the enhancement of services on this line will be a significant benefit to the entire area, including Salem. Accordingly, as Mayor of Salem, I very much support positive negotiations between the Union Pacific and Oregon Cavalier Development, LLC, on this proposal.

Sincerely,

Chuck Bennett  
Mayor

EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Women, minorities and disabled are encouraged to apply • ADA Accommodations will be provided upon request





930 Chemawa Road NE  
Box 21000  
Keizer Oregon 97303

January 23, 2020

Union Pacific Railroad:

The City of Keizer encourages Union Pacific Railroad to engage in negotiations with Oregon Cavalier Development, LLC, in regard to their proposed purchase of the Union Pacific rail line which runs from Woodburn, Oregon to Stayton, Oregon. This is commonly referred to as the Willamette Valley Railroad.

We support this effort because we know the purchase is for the purpose of running, restoring and enhancing rail service for our region. We are aware of the capabilities of Kevin Mannix, Managing Member of Oregon Cavalier Development, and we believe their good faith efforts to purchase the Right of Way and tracks, and their willingness to restore service on this rail line from Woodburn to Stayton will benefit our region.

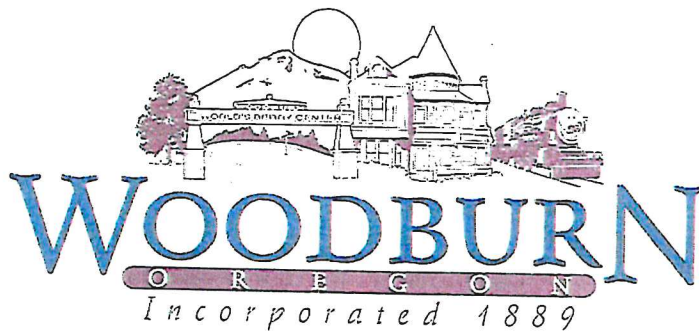
Marion County is the most productive agricultural county in the state and has a great need for rail transportation to move increasing volumes of agricultural products to the Ports of Seattle/Tacoma. The entire Willamette Valley is a zone of significant agricultural enterprises, all requiring transportation systems to get their products to market efficiently, reliably and cost-effectively. The Willamette Valley Railroad will help meet the import/export needs of diverse businesses in the central Willamette Valley.

While the City of Keizer is not located along this rail line, we are very much aware of the need for and very supportive of regional transportation improvements. The purchase and restoration of this rail line by Oregon Cavalier Development will positively contribute significantly to transportation improvement in our community.

Thank you for your consideration.

Sincerely,

Cathy Clark, Mayor, and the Keizer City Council  
City of Keizer, Oregon  
clarkc@keizer.org



Union Pacific Railroad

Re: Willamette Valley Railroad

Ladies and Gentlemen:

I have known Kevin Mannix for many years and he has contacted me in regards to his work as Managing Member of Oregon Cavalier Development, LLC, which wishes to negotiate the purchase of the Willamette Valley Railroad from Union Pacific.

Mr. Mannix understands that Willamette Valley Railway is leasing this line from Union Pacific, and any purchase of the underlying right of way and tracks will be subject to the lease. Mr. Mannix advises me that his group is willing to take on the rights and responsibilities of owning the line. They intend to invest the funds to restore and maintain full service on the line and to increase the volume of business on the line.

The City of Woodburn will benefit from improved service on this line, especially with a complete connection from Woodburn to Stayton, the southern end of this line. Our community is supportive of this effort to restore and enhance service. It will help not only Woodburn but all of the small cities located along the line. Of course, increased business on this line will also mean increased business for Union Pacific.

I encourage Union Pacific to engage in solid negotiations with Oregon Cavalier Development, LLC so that Oregon Cavalier Development may be able to proceed with purchase of the full line.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Eric Swenson", is written over a horizontal line.

Sincerely,  
Eric Swenson  
Mayor of Woodburn



# City of Mt. Angel

~ Inc. April 3, 1893 ~

5 N Garfield Street • P.O. Box 960 • Mt. Angel, OR 97362  
Phone 503-845-9291 • Fax 503-845-6261  
[www.ci.mt-angel.or.us](http://www.ci.mt-angel.or.us)

Union Pacific

January 21, 2020

Ladies and Gentlemen:

I was very pleased to hear that Oregon Cavalier Development, LLC has initiated negotiations with Union Pacific to acquire the underlying right of way and rail line which runs from Woodburn to Stayton, and is currently operated by the Willamette Valley Railroad Company. I am aware that the purchase is subject to the existing lease. It is my understanding that Oregon Cavalier Development is committed to the restoration of full service on the entire line so that service can be reinstated between Stayton and Silverton providing businesses along the line with the opportunity to connect their freight with Union Pacific at Woodburn.

Our Mt. Angel community would enjoy many benefits from enhanced service along this rail line. I appreciate the commitment demonstrated by Oregon Cavalier Development through the work of its Managing Member, Kevin Mannix.

Accordingly, I ask that Union Pacific fully engage in negotiations with Oregon Cavalier Development as to this important project.

Sincerely,

Kelly Grassman  
Mayor  
City of Mt. Angel





**City of Silverton**

**Office of the Mayor**

306 S. Water St. • Silverton, OR

97381

[www.silverton.or.us](http://www.silverton.or.us)

January 23, 2020

Ladies and Gentlemen:

As Mayor of Silverton, Oregon, I encourage you to fully engage in positive negotiations with Kevin Mannix in regard to the proposal by his Oregon Cavalier Development, LLC to purchase the existing rail line which runs from Woodburn to Stayton. Mr. Mannix and his group intend to restore service from Silverton to Stayton. They also plan to improve rail facilities along the entire line.

While I know that there will be questions that arise about specifics of improvements along portions of the line in Silverton, as well as questions some of our city leaders will have about the specifics of the proposed rail schedule, the potential for “quiet zones,” and other safety and operational details, I recognize the benefit to our community to begin a working relationship with Oregon Cavalier Development LLC and look forward to this opportunity.

The existing tenant, Willamette Valley Railroad Company, is running trains from Woodburn to Silverton but is not running trains from Silverton to Stayton. I believe restoration of full service is important to the surrounding communities, and I understand that Mr. Mannix has already identified businesses which want to make use of such rail service.

Thank you for your consideration.

Kyle B. Palmer  
Mayor, City of Silverton  
503-932-8550  
[kpalmer@silverton.or.us](mailto:kpalmer@silverton.or.us)





# City of Aumsville



595 Main St., Aumsville, OR 97325  
Office (503) 749-2030 TTY 711 FAX: (503) 749-1852  
An Equal Opportunity Employer

Union Pacific Railroad  
1400 Douglas Street  
Omaha, NE 68179

Ladies and Gentlemen:

The East Marion Rail Line, generally known as the Willamette Valley Railroad, runs from Woodburn through Aumsville to its end site in Stayton. We have conferred with Kevin Mannix, the Managing Member of Oregon Cavalier Development, LLC. We are aware of their negotiations with Union Pacific as part of their effort to purchase this East Marion Rail Line.

The City is supportive of this effort because of the need for rail service in our area. In addition, Oregon Cavalier Development, LLC is committed to restoring service along the entire line and installing necessary safety improvements. The implementation of three safety projects in regard to crossings in Aumsville, which is part of the restoration and rehabilitation plan, is an important element for the City of Aumsville. We especially appreciate the commitment by Kevin Mannix and Oregon Cavalier Development, LLC that their railroad operation does not expect the City of Aumsville to pay for these important safety improvements. Instead, they will be part of the restoration and rehabilitation project carried out, assuming his group is successful in purchasing the right of way and the track.

I encourage Union Pacific Railroad to carry out successful negotiations with Mr. Mannix and his group so that they are able to purchase this rail line. The renewed business activity will not only help businesses in our area; it will also help Union Pacific.

I thank you for your attention to this matter.

Sincerely,

Ron Harding  
City Administrator  
City of Aumsville

**RICK LEWIS**  
**STATE REPRESENTATIVE**  
DISTRICT 18  
OREGON'S CHRISTMAS TREE DISTRICT



**HOUSE OF REPRESENTATIVES**

January 22, 2020

Union Pacific

Ladies and Gentlemen:

I represent the City of Silverton and surrounding areas in my capacity as a State Representative. I previously served as Mayor of Silverton. I am aware of the proposal by Oregon Cavalier Development, LLC to purchase the East Marion Rail Line, generally known as the Willamette Valley Railroad, from Union Pacific, subject to the existing rail use lease.

There are rail restoration and improvement projects which we would like to see for this rail line. I believe Kevin Mannix and Oregon Cavalier Development, LLC will work hard to resolve those issues and fully restore rail service on the entire line, running from Woodburn to Stayton. Accordingly, I encourage Union Pacific Railroad to fully engage in negotiations with Mr. Mannix and his group as to their proposal to purchase this rail line.

Thank you for your consideration.

Sincerely,

Rick Lewis  
State Representative  
House District 18

**SHERRIE SPRENGER**  
**STATE REPRESENTATIVE**  
DISTRICT 17



**HOUSE OF REPRESENTATIVES**  
**900 COURT ST NE**  
**SALEM, OR 97301**

Union Pacific Railroad

Ladies and Gentlemen:

I am a State Representative and a portion of my House district is within Marion County. Marion County has an historically significant rail line, often referred to as the East Marion County Rail Line, which runs from Woodburn through Mt. Angel, Silverton, and Aumsville to Stayton. This rail line is important to the economy in this part of the county. Union Pacific owns the right of way and the track.

Kevin Mannix, Managing Member of Oregon Cavalier Development, LLC, has made me aware of efforts by this company to purchase the underlying rail line, including the right of way and tracks, from Union Pacific. Oregon Cavalier Development, LLC is committed to repairing and improving the rail line so that full service can be restored between the Union Pacific connection in Woodburn and the southern end of the line in Stayton. (In recent years, service has ended between Silverton and Stayton so service is presently provided only between Woodburn and Silverton).

Such restoration of service would be of significant help to businesses on and near the line. I encourage Union Pacific to fully engage in negotiations with Oregon Cavalier Development as to their proposal to purchase this line and restore full service

Thank you for your consideration.

Sincerely,

Representative Sherrie Sprenger  
House District 17

[Rep.Sherriesprenger@Oregonlegislature.gov](mailto:Rep.Sherriesprenger@Oregonlegislature.gov)  
503.986.1417

**BRIAN CLEM**  
**STATE REPRESENTATIVE**  
DISTRICT 21



**HOUSE OF REPRESENTATIVES**

Ladies and Gentlemen:

My legislative district includes east Salem, which is just west of the East Marion Rail Line, generally known as the Willamette Valley Railroad, which runs from Woodburn to Stayton. I am aware of the proposal by Oregon Cavalier Development, LLC to purchase the East Marion Rail Line from Union Pacific, subject to the existing rail lease.

This line can be an important freight line for the Marion County cities along the line and for the region. It is important to restore full service on this line. I believe Kevin Mannix and Oregon Cavalier Development, LLC have the capability to resolve the service issues and fully restore rail service on the entire line.

Accordingly, I support positive negotiations between Union Pacific and Oregon Cavalier Development, LLC as to their proposal to purchase this line.

Thank you for your consideration.

Sincerely,

Brian Clem  
State Representative

